



**ALL INDIA
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No.AIBSNLOA/CHQ/2009/16

Dated April 09, 2009

To

The Director (HRD),
BSNL, New Delhi

Subject: *Benefit of option to avail revision of pay scales from date of promotion to executives promoted from non-executive grade between 1.1.2007 and date of presidential directive – reg*

Ref-1: Clarifications issued vide No. 1-11/2009-PAT (BSNL) dated 31.3.2009

Ref-2: OM No. 2(70)/08-DPE (WC) dated 2.4.2009 of DPE

Respected Sir,

While expressing our gratitude for issuing clarification vide above referred letter dated 31.3.2009 we would like to draw your attention towards the situation that has been created by certain clarifications and which need to be further clarified.

2. As per clarification No.1 of the above given letter, it has been decided that officials who have been promoted to the Executive Grade after 1.1.2007 the difference of salary may be allowed as personal pay **on provisional basis** till the notification of revised pay scale to the affected executives in E1 A grade. Clarification No. 5 says that Option can be exercised by executives promoted to the higher grades or granted time bound up-gradation may get the revision of pay on 1.1.2007 or from the date of promotion after 1.1.2007 or from the date of next increment in the existing scale.

3. These two clarifications when read in harmony lead to a perception of hostile discrimination against those officials who have been promoted from non-executive to executive grade between 1.1.2007 and the date of presidential directive. **The common issue that arises here is exercise of option for choosing to get the date of revised pay scales. If a set of employees are to be allowed to exercise the above said option and if the same is denied to the other set of employees, it will**

tantamount to hostile discrimination and violative of the principles of equality enshrined under Article 14 of the Constitution of India.

4. Moreover, after issue of DPE OM dated 2.4.2009 referred above, clarification No.1 appears to have become redundant. **Granting of an intermediary pay scale or giving E2 and E3 scale to the JTO and SDE level executives is a separate issue.** Here the issue is whether an official who has been promoted between the period of 1.1.2007 till the date of presidential directive is to be given an option (date of promotion or 1.1.2007) to choose the date for migration into the revised pay scales. **In view of the fact that BSNL has already taken a decision to give such an option to other executives vide Clarification No.5, it appears logical and in the fitness of things if the same is allowed for those who have been promoted as executives between the period of 1.1.2007 to the date of presidential directive.**

5. Similarly, in Clarification No.7, it has been mentioned that those officials who have been holding substantive grade of non-executives but working in the executive grade on local officiating basis are to continue to draw the same pre-revised pay till the non-executive's pay scales are revised. This clarification does not take into account those non-executives who were officiating as executives and who have subsequently been promoted on regular basis without being reverted to his/her substantive non-executive post, during the period between 1.1.2007 and the date of Presidential Directive. In such cases, pay is to be protected in view of the proviso to FR 22 (I). **In the cases of such officials, their pay should be fixed in the replacement revised pay scale through the fitment formula w.e.f. 1.1.2007**, as has been approved for those non-executives, who have been granted ACP, vide clarification No. 4 of above given letter (reference No.1.) without waiting for the revision of the non-executives pay scales.

6. We would request you to kindly look into the matter and direct the concerned authority to issue required clarification at the earliest.

With kind regards,

Yours sincerely,



(V.P.Arya)

General Secretary

Copy to :

1. Shri D. P. De, GM(Estt), BSNL CO, New Delhi.