



**ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
OFFICERS' ASSOCIATION**

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RAKESH SETHI**

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No.AIBSNLOA/CHQ/2015/38

Dated: 9th March 2015

To

Shri Anupam Shrivastava,
Chairman and Managing Director,
Bharat Sanchar Nigam Limited,
New Delhi.

Subject: Extending the benefit of various court decisions to similarly placed Executives in BSNL – reg

R/Sir,

We seek your kind attention towards extending the benefit of various court decisions to similarly placed Executives on which a general decision is required to be taken so as to avoid a number of litigations by the affected Executives.

2. There are at least two such decisions, one by the Hon'ble Principal Bench of CAT, New Delhi and the other by Hon'ble Supreme Court India. Following the orders of Hon'ble Principal Bench of CAT, New Delhi in OA 1282/2010, allowing fixation of pay under FR 22 (1)(a)(i) for TTAs officiating as JTOs, BSNL has issued an order vide its letter No.3-8/2010-Estt.IV (Pt.) dated 28th August 2014 [copy enclosed] extending the benefit only to the members of BSNLOA (an applicant in the OA), while thousands of TTAs who are not members of BSNLOA have been left in the lurch.

3. Recently, the Hon'ble Supreme Court India has dismissed a SLP filed by BSNL in SLP (Civil) No.7716/2013 against the judgment of Hon'ble High Court of Kerala confirming the orders of Hon'ble CAT, Ernakulam Bench directing BSNL to step up the pay of the applicants to the level of pay of their juniors with effect from the date of arising of the anomaly of seniors drawing less pay than their juniors. This is in respect of an anomaly wherein a large number of senior Executives are getting lower pay than their juniors due to getting of adhoc promotion in the next IDA pay scales before the date of their IDA pay scale upgradation under Executive Promotion Policy.

4. BSNL vide its letter No.400-48/2010-Pers-I dated 16.06.2011 [copy enclosed] had called for detailed views on the issue from all the associations and AIBSNLOA had submitted its views vide No.AIBSNLOA/CHQ/2011/26 dated 29.6.2011 [copy enclosed] that "the only solution to this case, which will not lead to further anomalies, is stepping up the pay of the senior to an amount equal to the pay of his junior from the date the junior was given the adhoc promotion, based on a claim by the senior

comparing his junior" long before the orders of Hon'ble CAT, Ernakulam Bench was issued.

5. Dismissal of the said SLP by Hon'ble Supreme Court India has resulted in another association, which had impleaded in the case, seeking extension of the benefit to its members only.

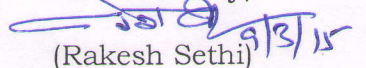
6. We feel that extending the benefit only to the members of applicant associations, leaving out bulk of other affected Executives will only lead to large number of further litigations resulting in avoidable legal expenditure both to the individual as well as BSNL. The outcome of such litigations will ultimately be only in extending the benefit of the earlier decision by the concerned courts. **We believe that extending the benefits of the judgments to others who have not approached the Court, but similarly placed, will do complete and substantial justice.**

7. There are any numbers of earlier judgments by various courts allowing such extension of benefit to similarly placed employees. To cite one case, Hon'ble Supreme Court of India in C.A. Nos. 8334-8353 /2001, 8355-8357 and 8358-8374/2001, State Of Karnataka And Ors. vs N. Parameshwarappa And Ors. on 9 October, 2002, in paragraphs 8 and 9 has held as under: "8. ...we do not find any reasonable justification to confine the relief to only such of the teachers who approached the court and having regard to the fact that relief related to the revision of scales of pay, every one of that class of teachers who approached would be entitled to the benefit, notwithstanding that they have not approached the Court."

8. **We therefore request you to kindly cause a decision to extend similar benefit to all similarly placed Executives to that of the applicants, in both the above said cases.**

With kind regards,

Yours sincerely,


(Rakesh Sethi)

General Secretary

Encl: As stated

Copy to : 1. Shri A.N.Rai,
Director (HR)
2. Shri H.C.Pant,
Sr. General Manager (Lega)
3. Shri S.S.Aggarwal,
Sr. General Manager (Pers)
4. Shri R.K.Goyal,
General Manager (Estt)