



ALL INDIA BHARAT SANCHAR NIGAM LIMITED OFFICERS' ASSOCIATION

Central Headquarters
49, Greater Ganga Colony, Ganga Nagar, Mawana Road, Meerut - 250001
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PRESIDENT
JAGAR NATH JANYOL
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FINANCE SECRETARY
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GENERAL SECRETARY
JANARDAN YADAV
Mob. 9412708800

Ref. No. AIBSNLOA/CHQ/2022/11

Date 05-06-2023

To,

Shri P.K. Purwar
CMD BSNL
Bharat Sanchar Bhawan
New Delhi -110001

Subject :-- Issuance of clarification on pay fixation of non executives (TTAs) who had officiated as JTO and subsequently promoted to JTO during the period 01-01-2007 to 07-05-2010 in Kolkata Telecom Circle- regarding

Respected Sir,

Your kind attention is invited on the subject matter. Since long time this issue is under clarification mode. Kolkata Telecom Circle has unnecessary disputed the matter which was settled in 2008. In spite of acting according to rule and instructions issued from corporate office in true spirit, circle office has initiated revision of pay fixation and recoveries in view of an audit para. Case in detail is submitted below.

2. Non executive (TTAs) were ordered to officiate in executive cadre (JTO) in 2004 which continued till 2008 with technical break as per officiation rule. Promotion and appointment of JTO under departmental quota in the scale (9850-250-14600) was issued vide letter No. SMT-6026/XXIII/2004-2005/I dated. 01-04-2008. The non executives (TTAs) who had officiated as JTO were also promoted to JTO cadre vide order in reference. They were ordered to exercise option for fixation of pay under FR 22 (I)(a)(1), and their pay fixation was accordingly regulated at that time.

3. 2nd pay revision of non executives was ordered vide **file no. 1-16/2010-PAT(BSNL) dated 07-05-2010. According to para 3.6 of it, the non-executive can opt for the revision of pay on 01-01-2007, or from the date of promotion after 01-01-2007, or from the date of next increment in the existing scale. They revision of pay of JTOs in reference was completed as per their option and fitment formula prescribed in letter number even dated.07-05-2010.**

4. The clarifications issued vide letter No: BSNLCO-A/16(27)/12/2020-ESTAB dated. 20-10-2020, letter No: 5-21/2021/Estt.-IV/CPGRMS/24019 dated.16-02-2021 endorsed that pay fixation exercised in 2008 and revision of pay in 2010 was completely in order.

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Ref. No. 5:..... Some TTAs (officiating JTOs) were again regularly promoted to JTO cadre w.e.f. **09.08.2014, wherein the option under para 3.6 of 2nd Pay Revision is not applicable.** Hon'ble Ermakulam CAT OA No 180/00832/2019 dated 8.01.2021, endorsed by BSNL CO vide letter dated 03.02.2021 relates to the case wherein recovery due to wrong pay fixation has been ordered.

6. During routine audit inspection of service book, audit inspection team has observed that, *'As per BSNL CO New Delhi order no. BSNLCO/A/16 (29)/2/2021-ESTAB dated. 19-07-2021, pay fixation under 2nd PRC from date of regular promotion w.e.f. 12-02-2008 onward w.r.t. pay of substantive pay of TTA in pre revised scale may please be reviewed and accordingly regulated'.*

7. Now bone of contention is that whether audit para is admissible w.r.t. FR 22(I) (a) (1), provision of clause 3.6 of letter dated. 07-05-2010 and explanations available in letter dated:19-07-2021 or not. We have carefully examined the case in totality and it has been observed that:

- i. Audit team has failed to read and extract what have been enumerated in letter number even dated 19-07-2021 in true sense. Condition of promotions and pay fixation issued in 2008 and 2014 are different which has been unnecessarily inter linked.
- ii. Enumeration in para (3) of letter No. 3-32/2013/Estt-IV dated.22-12-2015 is not correct in respect to JTOs who were officiating before 01-01-2007. This is true only if the officiating promotion has starting from 01-01-2007 and the pay revision has also been opted from 01-01-200. Proviso 1(i) of FR 22 (I) (a) does not endorse this method of pay fixation on next and/or any subsequent stage as it is detrimental to employee.
- iii. Existence of reference of letter number even dated.22-12-2015 and absence of explicit provisions on protection of pay drawn as stipulated in FR 22 (I) (a) in letter dated.19-07-2021 is the main reason of audit observation.
- iv. It has been enumerated under proviso of FR 22 (I), Provided that, both in cases covered by clause (a) and in cases, other than the cases of re-employment after resignation or removal or dismissal from the public service, covered by Clause (b), if he.....

1. " has previously held substantively or officiated in

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(i). The same post, or.....

(ii).

(iii).

then the initial pay shall not, except in cases of reversion to parent cadre, governed by proviso(1) (iii) **be less than the pay**, other than special pay, personal pay or any other emoluments which may be classed as pay by the President under rule 9(21)(a)(iii) **which he drew on the last occasion, and he shall count the period during which he drew that pay on a regular basis on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay.**

8. According to finance ministry and DoPT guidelines, pay fixation on promotion carrying duty and responsibility of higher post will be governed by FR 22(I) (a)(1) and same has been ordered in the appointment letter issued in 2008. Once FR has been decided, process and proviso stipulated in FR will take its own course.

9. It is requested to yourself to issue direction to concerned officer/section for re-examination of the case in totality and issue clarification of letter No: AGM/HR/HQ/STAFF /PAY FIXATION dated.07-12-2022.

With kind regards.

Yours Sincerely,

Janardan Yadav
05/06/2023
(Janardan Yadav)
General Secretary
AIBSNLOA

Copy for kind information and necessary action to:

1. Shri Arvind Vednerkar, Dir (HR) BSNL, New Delhi.
2. Shri Rajeev Kumar Singh, Dir (Finance) BSNL, New Delhi.
3. CGM, Kolkata Telecom Circle.
4. Shri Saurabh Tyagi, PGM (Estt.) BSNL, New Delhi.
5. Smt Anita Johri, PGM (SR) BSNL, New Delhi.