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BHARAT SANCHAR NIGAM LIMITED  
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No. AIBSNLOA/CHQ/2009/38

Dated 30<sup>th</sup> July 2009

To

Shri Kuldeep Goyal,  
Chairman & Managing Director,  
Bharat Sanchar Nigam Limited,  
New Delhi 110 001.

**Sub: Pay fixation under FR 22 (I) (a) (1) instead of FR 35 for TTAs officiating as JTOs – reg**

Sir,

A huge number of TTAs who have qualified for promotion to JTO cadre and have completed Phase I training are officiating as JTOs in almost all Circles. BSNL had ordered restriction of pay fixation for these TTAs officiating as JTOs to FR 35, instead of giving them the benefit under FR 22 (I) (a) (1). Consequently pay fixation for these TTAs were revised as per FR 35.

This order of BSNL was challenged in the High Court of Kerala at Ernakulam and the Hon. High Court passed an order in 2006 to “**grant the fixation of pay in 9850-14600 under FR 22 (1) a (1) without any restriction under FR (35)**”, on finding that the officials fulfill all the eligibility criteria for promotion as JTO as per relevant recruitment rule.” BSNL filed a writ appeal in the Division Bench of the same High court and the Division Bench issued directions “to pass appropriate order by CMD after giving an opportunity of being heard on the objections filed by BSNL by the representatives of officiating JTOs as well as the administration”. After some personal hearing BSNL again passed an order to fix the pay under FR (35) to Officiating JTOs in 2007.

This order of BSNL was again challenged in different Contempt Petitions in 2007 at Single Bench of Hon. High Court of Kerala. All these cases are later transferred to Hon. Central Administrative Tribunal, Ernakulam Bench, Kerala. The Hon'ble CAT, Ernakulam Bench has now delivered its judgment on 15.7.2009 in T.A Nos. 84, 85,86, 87, 88,89, 90, 91, 92, 93, 94, 95, 96 and 97 of 2008.


The operative portion of the judgment says, “**We have heard Shri TC Govindaswamy, Shri V.Sajithkumar and Shri P Chandrasekharan for applicants and Shri Mathew K Philip, ACGSC for respondents. In our considered view, the Single Judge of the High Court in his Annexure P-23 in W.P.(C) No.28349/2005**

**and connected cases, considered the case in detail and held in clear terms that since the completion of the training in three phases is not a prescribed qualification in the Recruitment Rules, the respondents cannot deny petitioners therein the benefit of fixation of their pay under F.R.22(I)(a)(1) in the scale of pay applicable to the post of Junior Telecom Officer on the ground that they have not cleared the three phases of training. It was further held that the temporary nature of the posts, the non-regularisation of the posts etc are matters irrelevant as far as fixation of pay is concerned. The High Court vide judgment in W.A.No.1735/2006 and connected cases, set aside the aforesaid judgment of the Learned Single Judge only for the reason that the applicants have not been given any notice before their pay was fixed under FR 35 causing reduction in their emoluments. As held by the single judgment of the High Court (supra) what is relevant in the matter of fixation of pay is whether the applicants are performing duties attached to the posts of JTOs having higher responsibilities. There is no dispute in this regard. Hence these T.As succeed. Consequently, we set aside the Annexure P25 and P26 orders dated 20.11.2007 and 4.12.2007 respectively. Respondents are directed not to recover the pay and allowances already paid to the applicants in the scale of pay of JTO. They are further directed to continue to pay to the applicants pay and allowances due to them in the scale of pay of JTO as per Rule 22(I)(a)(1) of Fundamental Rules.”** With the aforesaid directions, these T.As have been allowed.

The affected TTAs have been fighting a long drawn battle for more than four years to protect their legitimate rights. We shall therefore request you to consider the issue with all importance it requires and to cause issue of necessary orders allowing pay fixation under FR (I) (a)(1) for the TTAs officiating as JTOs, in accordance with the directions of Hon'ble CAT, Ernakulam Bench, Kerala.

With kind regards,

Yours sincerely,



(V.P.Arya)  
General Secretary

Copy to:

Shri Gopal Das,  
Director (HRD), BSNL,  
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