



**ALL INDIA  
BHARAT SANCHAR NIGAM LIMITED  
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No. AIBSNLOA/CHQ/2015/ 73

Dated: 7<sup>th</sup> October 2015

To

Smt. Sujata Ray,  
Director (HR),  
Bharat Sanchar Nigam Limited,  
New Delhi.

**Subject: Extending the benefit of court decision to all – pay fixation under FR 22 (1) (a) (i) for TTAs officiating/officiated as JTOs – regarding**

Sir,

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

2. 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 had issued an order vide its letter No.3-8/2010-Estt.IV (Pt.) dated 28<sup>th</sup> August 2014 extending the benefit only to the members of BSNLOA (an applicant in the OA), while thousands of TTAs who are not members of BSNLOA were left in the lurch.

3. We had opined vide our letter dated 9.3.2015 that extending the benefit only to the members of applicant associations, leaving out bulk of other affected officials 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 had expressed our belief that extending the benefits of the judgments to others who have not approached the Court, but similarly placed, will do complete and substantial justice.**

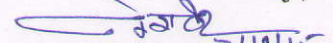
4. Although there have been a number of earlier judgments by various courts allowing such extension of benefit to similarly placed employees we had cited a case where, Hon'ble Supreme Court of India in C.A. Nos. 8334-8353 /2001, 8355-8357 and 8358-8374/2001, State Of Karnataka And Ors. vs N. Parameshwarappa And Ors. on 9 October, 2002, in paragraphs 8 and 9 had 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."

5 But our request was not considered on the ground that BSNL had already gone on appeal and any benefit extended as per the PCAT order was subject to the outcome of the appeal. Later two other associations have gone to PCAT and obtained similar orders and BSNL has issued orders extending the benefit to the members of these associations. This has resulted in these associations taking advantage of the BSNL letter and wooing the affected officials/executives to become their members. This is not a desirable situation.

6. To end the anxiety of the affected officials/executives, we request that a common order can be issued extending the benefit of pay fixation under FR 22 (1)(a)(i) to all the officials/executives officiating/officiated as JTOs, after getting a declaration from them that this will be subject to the outcome of the appeal filed by BSNL and they agree for recall of the benefit and recovery of the amount in case the decision of PCAT is reversed in the appeal.

With kind regards,

Yours sincerely,

  
(Rakesh Sethi)  
General Secretary