



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

**Central Headquarters New Delhi**

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Mob: 9868155681

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**No. AIBSNEA/CHQ/CMD/2023**

**Dated 25.03.2023**

To

Shri. P.K. Purwar,  
CMD, BSNL,  
New Delhi-110001

**Subject- Implementation of the High-Power Committee Report in respect of pay Fixation matter of Postal JAOs and implementation of Hon'ble Apex Court Judgment dated 2<sup>nd</sup> September 2021- Regarding**

**Reference No:**

- 1) AIBSNLEA Letter No. AIBSNLEA/DRHR/2017-18 dated 11.10.2017
- 2) AIBSNLEA Letter No. AIBSNLEA /CHQ/Director (HR)/2019 dated 26.08.2019
- 3) AIBSNLEA Letter No. AIBSNLEA /CHQ/Director (HR)/2019 dated 29.01.2022
- 4) Hon'ble CAT Jabalpur Judgement TA No. 8 of 2009
- 5) MP High Court Judgment WP/109999 of 2015 dated 6<sup>th</sup> August 2015
- 6) Hon'ble Supreme Court SLP ( C) No. 9257/2017(IV-C) Dated 2<sup>nd</sup> September 2021
- 7) Report of BSNL High Power Committee under the Chairmanship of CGM (Legal) BSNL.

**Respected Sir,**

Kindly refer to the above cited letters and Apex. Court Judgement dated 2<sup>nd</sup> September 2021. In this regard, we would like to draw your kind attention on the above cited subject and references mentioned at Sl. No. 1 and 2 above, wherein it was requested the competent Authority to issue necessary instructions to the concerned officers for the settlement of pay fixation of Postal JAOs (Copies enclosed). In this connection the following is submitted again in the light of Judgement of Hon'ble Supreme Court of India SLP(C) filed by BSNL for your kind consideration please.

1. (a) An OA No. 4363/2012 was filed before the Hon'ble CAT, Principal bench New Delhi by some of our aggrieved JAOs, praying therein that the appointments of the applicants may be treated in accordance with DOT OM No. 18-11/2000 SEA II dated 30.09.2000 as appointment on Absorption with effect from the dates they were given fresh appointment letters in BSNL after filing affidavit both by DOT and BSNL in CAT Principal Bench New Delhi in the above OA.

(b) In fact, some of the JAOs from other Central Govt. Departments who were on deputation in DOT from 1992 onwards, were ordered to be absorbed in DOT as a onetime measure after tendering technical resignation from their department vide DOT OM dated 30.9.2000 . In the meantime , DOT/DTS/DTO converted in to the BSNL and BSNL ignoring the contents of DOT OM dated 30.09.2000 , issued fresh OM No. 4-85/2003-SEA BSNL dated 05.11.2004 imposing new

terms and conditions on these JAOs and accordingly they were appointed as fresh candidates w.e.f. 14.02.2005.

(c) The applications along with the other aggrieved similarly placed Executives challenged the action of the BSNL/DOT in appointing them as a fresh candidate against DR quota vacancies in contravention of the relevant Rules (Appendix 11 of FRSR) before the CAT Principal Bench New Delhi and the above OA was disposed of with the directions that their appointment may be treated as appointment on absorption with effect from the dates, they were appointed as fresh.

(d) The above order dated 22.09.2015 of Hon'ble CAT Principal Bench New Delhi did not comply by BSNL but instead a High-Power Committee comprising of CGM(Legal), Sr. GM (EF) Sr. GM (Estt.) and GM (SR) BSNL CO was constituted to re-examine the fixation case of Postal JAOs in the month of Nov.2018 and the Committee submitted their report on 30.4.2019.

(e) It is learnt that the committee, after thorough examination and scrutiny of all relevant records, finally recommended that the pay of Postal JAOs, who joined BSNL from Govt. of India on their immediate absorption, may be fixed under GIO (10) Below FR22 of MOF OM No. F.1 (11)-EIII (B) /69 dated 20.1.1970 and DP & AR OM F1(PII)81 dated 21.2.1983.

(f) We came to understand that the committee had submitted their report in April 2019 itself. But when the recommendation of High-Power Committee report were being considered. Some executive working in the SEA section at the time, intentionally linked the above case of fixation of pay after absorption with the cases of payment of pay and allowances as per IDA scales of JAOs from 01.10.2000 to 13.02.2005 and filed SLP (C) in Hon'ble Supreme Court in an old case of fixation of pay of Shri Kalicharan Jha who was one of the JAOs on deputation in DOT since 1992 onwards and at the time of absorption, he did not opt to be absorbed in BSNL and was reverted back to Railway Department.

2. Now coming back to the Court cases for payment of pay and allowances as per IDA pay scale of Rs. 9850-14600 for the period from 01.10.2000 to 13.02.2005, in fact, Shri Yaduvansh Tripathi and Kalicharan Jha JAOs on deputation filed WP 82/2005 before Hon'ble High Court of MP, Gwalior Bench which was transferred to CAT Jabalpur Bench vide TA No. 08 and TA 142 of 2009 No. of 2009. In the above TA, Hon'ble CAT Jabalpur Bench allowed the OA and directed BSNL for fixation of his pay in IDA scale w.e.f. 1.10.2000 and directed BSNL to comply the orders within three months from the date of issue of above orders (Copy enclosed)

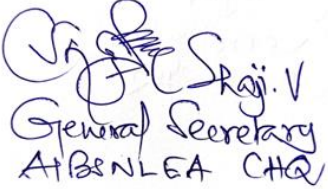
3. The above orders of CAT Jabalpur Bench was challenged by BSNL in the Hon'ble MP High Court, Gwalior Bench in WP/10999 of 20158 dated 6<sup>th</sup> August 2015 of BSNL. Vrs. Kalachakra Jha. The above WP was dismissed by Hon'ble High Court of MP Gwalior Bench vide order dated 6<sup>th</sup> August 2015 (Copy enclosed)

4. BSNL did not comply the above orders and challenged in the Apex Court. The above case was not persuaded by Shri Kalicharan Jha as he was reverted to Railway Department. When the recommendation of High-Power Committee were being considered in BSNL, some executive in SEA diverted/Linked the issue of pay fixation of these JAOs after absorption in BSNL to the case of payment of IDA pay scale from 01.10.2000 to 13.02.2005 and filed SLP (C) in supreme Court after seeking condonation of delay in filing SLP hiding the full facts of the case from the competent Authority. After filing of the above SLP, BSNL did not consider the Pay fixation of these JAOs citing everywhere that the above issue is Sub-Judice in Hon'ble Supreme Court of India. Now the above SLP has also dismissed by the Apex Court on 2<sup>nd</sup> September 2021 (Copy Enclosed).

In view of the foregoing, we would, therefore, request you good self to kindly interence in the matter and arrange for the early settlement of long pending case of fixation of pay of these JAOs in accordance GIO 10 below FR 22(GOI MF OM No. F1(11) EIII(B)/69 dated 20.01.1970 and as per the directions of Hon'ble CAT Jabalpur, High Court of MP Gwalior.

With kind regards,

Your Sincerely

  
Rajiv V  
General Secretary  
A/BENLEA CHQ

**Copy for favor of kind information to:**

- 1. Shri Arvind Vednerkar, Director (HR), BSNL Board, New Delhi-110001**
- 2. Shri Rajiv Kumar, Director (Finance), BSNL Board, New Delhi-110001**
- 3. Shri. Puran Chand Bhatt, PGM EF, BSNL CO, New Delhi – 110001.**
- 4. Shri S N Gupta, GM (Pers.), BSNL CO, New Delhi-110001**
- 5. Ms. Anita Johri, Sr. GM(SR), BSNL CO, New Delhi- 110001**