



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

**Central Headquarters  
New Delhi-110001**

**President  
S. Sivakumar**

**Mob:99486102121**

**E-mail:presidentaibsnlea@gmail.com**

**General Secretary  
Prahlad Rai**

**Mob:9868278222**

**E-mail:gsaibsnlea@gmail.com**

**Financial Secretary  
T.C. Jain**

**Mob:9868188748**

**E-mail:fsaibsnlea@gmail.com**

**No. AIBSNLEA/CHQ/CMD/2016**

**DATED: 30.11.2016**

**To,**

**Shri Anupam Srivastava,  
CMD BSNL,  
New Delhi -110 001**

**Subject: First Time Bound up-gradation under EPP – request to grant up-gradation on completion of 4 years in the current IDA pay scale - Reg**

**Respected Sir,**

BSNL's EPP dated 18.01.2007 under para 3.1 provisions that the 1<sup>st</sup> up-gradation of IDA scale of an individual executive will be due for consideration on completion of 4 years of service in current IDA scale subject to condition that the Executives' basic pay in the current IDA scale has crossed / touched the lowest of the higher IDA scale for which his/her up-gradation is to be considered OR he/she has completed 6 years of service in the current IDA scale, whichever is earlier.

Hon'ble CAT Bench Madras in its judgment dated 23.02.2012 has opined that this provision in the EPP is an arbitrary. Hon'ble CAT has clearly mentioned that any Government order should not suffer from arbitrariness. The arbitrary division of six years and four years based on scale of pay violates Article 14 & 16 of the constitution.

Hon'ble CAT placing reliance on the judgment of the Hon'ble Supreme Court in the case of State of Orissa and another vs N.N. Swamy and others reported in 1997 (2) SCC 508 has set aside the Clause 3.1 of the OM dated 18.01.2007 to the extent it refers to

***“the grant of up gradation on completion of four years of service in the current IDA scale subject to the condition that the Executive's basic pay in the current IDA scale has crossed / touched the lowest of the higher IDA scale for his / her up gradation is to be considered”***

The rest of the portion of the provision of Clause 3.1 will remain unaffected. And Hon'ble CAT allowed the OA. A copy of the judgment is enclosed herewith for ready reference.

It is requested to kindly implement the above judgment in true spirit for all the executives of BSNL by modifying the EPP to the extent at the earliest.

**With kind regards,**

**Yours Sincerely**

**Sd/-  
General Secretary**

**Copy to:**

- 1. Smt. Sujata Ray, Director (HR), BSNL Board, New Delhi – 110001.**
- 2. Smt. Madhu Arora, GM (Estt), BSNL Corporate Office, New Delhi – 110001**