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AIBSNLEA/CHQ/DRHR/2017

Dated 08.04.2017

To,

Smt. Sujata Ray,
Director (HR),
BSNL Board,
New Delhi - 110001

Subject: Pay parity of Rs 22820/- for the post 2007 recruited Executives especially the directly recruited JTOs of 2007 and 2008 batches and directly recruited JAOs of 2010 batch as represented by the Recognized Representative Association, SNEA.

Reference: Order No. 1-17/2016-PAT (BSNL) dated 10.01.2017.

Respected Madam,

We would like to submit that in BSNL, the basic pay and the pay scales of the Executives recruited prior to 01.01.2007 and after 01.01.2007 are entirely different, creating widespread resentment among the Executives recruited after 01.01.2007. There is huge difference in pay to the tune of Rs 10000/- between the two sets of Executives. Even their pay scales are not finalized so far. They are demoted to a lower pay scale and placed in E1 scale provisionally. This Association was representing this matter at different level for quite long time. Consequent to this the Management constituted a Committee to examine the issue of pay parity.

We would like to further submit that:

- i) The JTOs of 2005, 2007, 2008 batches and the 2010 batch DR JAOs were recruited and appointed in the pre-revised pay scale of 9850-250-14600 and were drawing Rs 9850/- as entry level pay. In fact the 2007, 2008 batch JTOs and 2010 DR JAOs joined prior to the 2010 batch JAOs (Deptl candidates). More interestingly even 2007 batch JTOs joined prior to some of the 2005 batch JTOs. In other words, JTOs of 2007 and 2008 batches and direct recruited JAOs of 2010 batch are similarly placed with the JTOs of 2005 batch (joined after 01.01.2007) and 2010 batch JAOs (Deptl candidates). There was no difference in basic pay between 2005 batch JTOs or 2010 batch JAOs (Dept) and 2007, 2008, 2010 batch JTO/JAOs as all were drawing Rs 9850/- as initial basic pay up-to January 2012.

- ii) On implementation of 2nd PRC report in BSNL, the initial basic pay of JTOs of 2005, 2007, 2008 batches and directly recruited JAOs of 2010 batch who joined after 01.01.2007 got fixed at Rs.19020/- (E1+5 increments) provisionally vide Order No. 1-29/2010-PAT(BSNL) dated 03.01.2012). This has been done to compensate the reduction in the salary as revised pay scales for E1A and E2A are not approved by DoT and BSNL implemented E1 and E2 pay scales provisionally in place of E1A and E2A. Further this benefit has been extended to the JAO batch 2010 under 40% and 10% quota for Dept candidates vide Order No. 1-5/2012-PAT(BSNL) dated 20.12.2012.
- iii) After implementation of 2nd PRC report, initial basic pay of JTOs of 2005 batch joined in BSNL after 01.01.2007 got fixed at Rs. 22820/- vide order No. 1-14/2009-PAT (BSNL) dated 09.12.2013 as a special case in order to remove the disparity in pay between the Executives of the same batch of 2005. This was the first instance of relaxation.
- iv) The benefit of fitment and option under para 3.6 of Non Executives wage revision order has been extended to the employees of CSS cadre who have been promoted to the grade of Astd Manager in BSNL Corporate Office and joined after 07.05.2010. This was the second instance of relaxation.
- v) Similarly for JAOs of 2010 Batch (40% quota for Dept candidates) were allowed to exercise the option under para 3.6 of Non Executives wage revision order for fixation of pay in the revised pay scale from the date of promotion in the grade of JAO, as per order No. 7-4/2010-SEA-BSNL (Pt-I) dated 24.07.2015 again as a onetime dispensation. This was against BSNL's earlier order No.1-37/2010-PAT(BSNL) dated 18.05.2011 which states that Non-Executives who got promotion to Executive grade between the period 01.01.2007, i.e. the date of revision of IDA pay scales and 07.05.2010 i.e. the date of issuance of office order No. 1-16/2010-PAT (BSNL) for Non-Executives may be allowed to exercise the option for fixation of pay in the revised pay from the date of their promotion. Initial basic of JAO batch 2010 (40% quota for Dept candidates) got fixed at Rs. 22820/-. This was the third instance of relaxation.
- vi) As a result, after Pay Revision, the entire situation changed and the difference in basic pay of JTO/JAOs of 2007, 2008, 2010 batches become **Rs 3800/- (Rs 22820 – Rs 19020)** comparing to the 2005 batch JTOs and 2010 batch Dept JAOs. If other allowances are added, the real difference in salary today will be around Rs 9000/- to Rs 10,000/-. On implementation of 3rd PRC, the difference will further increase and continue with time due to increase in IDA and annual increment. Further all are facing major losses in the form of career progression (time bound promotion), retirement benefits like E.P.F., Gratuity etc due to discrimination of the initial basic pay compared to other similarly placed JTO/JAOs.
- vii) BSNL Management extended Rs 9850/- for the Non-Executives who are working in Non-Executive pay scales and not even reached the minimum of the JTO/JAO pay scale of Rs 9850-250-14600, ie Rs 9850/-(all are promoted as Executive on or after 01.01.2007 or even after 07.05.2010) and allowed pay revision under 2nd PRC with 30% fitment on their appointment to Executive category after 01.01.2007. But the same benefit is denied to those who recruited and worked in the pay scale of Rs 9850-14600/- and were drawing the pay of Rs 9850/- (plus annual increments) till January 2012, since their appointment in the year 2008, 2009 and 2010. **It is a clear discrimination.**

- viii) The clarification issued by BSNL vide order No.1-37/2010-PAT(BSNL) dtd 18.05.2011 limiting the option from 01.01.2007 to 07.05.2010 is still in force and not withdrawn. It clearly establishes that the above three are relaxations against the policies of BSNL.
- ix) From iii), iv) and v) above, it is established that BSNL was continued with Rs 9850/- and the pre-revised pay scale of Rs. 9850-250-14600 till 2010 and extended Rs 22820/- for the JTOs of 2005 batch(joined after 01.01.2007), the CSS cadres and the JAO 2010 batch(Dept). Similar benefit is eligible for other JTO/JAOs joined upto 2010 also as long as BSNL continuing with Rs 9850/-. By the option under para 3.6 of Non-Executives wage revision and the relaxations mentioned above, BSNL operated Rs 9850/- till the end of 2010. None of the Dept JTO/JAOs who has joined after 01.01.2007 has crossed the minimum of the pay scale, ie Rs 9850/- on the date of their promotion. All the JTO/JAOs who has joined after 01.01.2007 and whose pay were fixed at Rs 9850/- on their appointment cannot have different pay in the name of pay revision. So all the JTO/JAO recruits upto 2010 are equally placed, recruited and worked in Rs 9850-250-14600 pay scale and eligible for fixation of initial basic pay at Rs 22820/-.
- x) The Committee constituted to examine the pay loss and option issue for the Dept JAOs of 2010 batch at 5(b) of its report observed that ***“However after clarification dtd 18.5.2011, the pay of such JAOs got reduced by Rs.2600/-“***. But for the JTO/JAO batches of 2007, 2008 and 2010, whose basic pay was genuinely fixed in pre-revised scale at Rs 9850/-, Management simply ignored the loss of Rs. 3800/- in the basic pay itself after pay revision.
- xi) On the cut-off date of 07.05.2010, the same Committee at 5(c) of its report ***“observed that there has been no such restriction of any date either in 2nd PRC for Executive dated 05.03.2009 and clarification dated 31.03.2009 or in the recommendation of wage revision committee for Non-Executives”***, which is equally applicable to JTO batches of 2007, 2008 and DR JAOs batch of 2010 who joined prior to the JAOs promoted in year 2010.
- xii) The findings of the earlier Committee constituted to examine the pay loss and option issue for the Dept JAOs of 2010 batch recorded in the note sheet of F.No.7-4/2010-SEA(pt-1) through which Non-Executives, promoted as JAOs after 07.05.2010 were given the option to choose revised scale from the date of promotion reiterates the above submissions. The Committee recommendation in 5(a) to 5(d) with respect to Dept JAOs of 2010 batch is reproduced in the note sheet is reproduced hereunder for the information of the Committee:
- 5(a):** *As per the fitment table, the corresponding to pre-revised pay of Rs 9850-250-14600 in revised IDA pay scale of Rs 16400-40500 is Rs 21620/-, the same has been revised to Rs 22820/- after merger of IDA 78.2% vide order No: 1-16/2010-PAT dated 10.06.2013.*
- 5(b):** *That after issuance of Wage Revision orders for Non-Executives dated 07.05.2010 and as per the option exercised, the pay of many JAOs in Circle like CHTD, Gujarat, Orissa, Punjab, HP, WTP, NTR, MP, Kerala, CTD, WB etc were fixed as per fitment. However after clarification dtd 18.5.2011, the pay of such JAOs got reduced by Rs.2600/-.*
- 5(c):** *The committee observed that there has been no such restriction of any date either in 2nd PRC for Executive dated 05.03.2009 and clarification dated 31.03.2009 or in the recommendation of wage revision committee for Non-Executives.*
- 5(d):** *The benefit of fitment has also been extended to such employees of CSS cadre who have been promoted to the grade of Astt Managers and joined after 07.05.2010.*

- xiii)** Since there is no cut-off date as observed by the earlier Committee at 5(c), BSNL management has to extend the same benefit of Rs 22820/- for all the Executives recruited even after 2010 also. Further as per records, BSNL operated the pre-revised scale till January 2012, giving scope to all the Executives joined/continued upto that date in Rs 9850/- and should get the same pay of Rs 22820. For the JTOs of 2007, 2008 and DR JAOs of 2010, it is a matter of clear discrimination and anomaly and for the later recruits; it is a matter of parity in pay with others.
- xiv)** Management should consider the pay fixation done for the post 2007 recruited Executives in other CPSUs, on promotion as well as direct recruitment. In OIL (Oil India) similar anomaly addressed by upgradation of the pay scale to next higher pay scale for all the Executives.
- xv)** For the information and guidance of the Committee, relevant portion of some of the Court orders are reproduced hereunder:
- a) Hon Supreme Court Judgment dated 01.05.1985 in P. Savita, vs. Union of India:**
Even though this judgment is on classification of the same cadre based on seniority with two different pay scales, the observation at page 5 of the judgment is relevant: *“That is, for the same work and same functions, the appellants would get less pay than the other group of Senior Draughtsmen. The explanation is that this division is based on seniority. This cannot be accepted as sufficient to meet the requirements of law. By seniority, a Senior Draughtsman will get higher pay with the increments that he earns proportionate to the number of years he is in service.”*
- b) Hon Delhi High Court judgment in UOI & Anr Vs Sanjay Kumar & Ors WP(C) No: 2071/2007.**
“There cannot be discrimination among employees holding the same posts and doing similar nature of work in terms of their pay scale unless one has higher qualifications”.
- c) Hon Calcutta High court vide case of Mr. Ibrahim Mollah And Anr. vs Union Of India (Uoi) And Ors. on 17 November, 1992 Equivalent citations: (1994) 2 CALLT 410 HC held that** *“That is, for the same work and same functions, the appellants would get less pay than the other group of senior draughtsman. The explanation is that this division is based on seniority. This cannot be accepted as sufficient to meet the requirements of law. By seniority, a senior draughtsman will get higher pay with the increments that he earns proportionate to the number of years he is in service.”*

It is very painful to state that BSNL has implemented the 2nd pay revision in such a manner that directly recruited Executives (JTO/JAOs) appointed after 01.01.2007 are getting gross salary quite less than the pre-revised salary. The pay revision should benefit the Executives of CPSUs and would help CPSUs to attract and retain talent. This has also created pay disparity between Executives recruited just before and after 01.01.2007 in tune of more than Rs. 10000/- per month.

The pay loss/parity issues of (1) post 01.01.2007 appointed JTO of 2005 batch, (2) all Non-Executives promoted as Executives after 01.01.2007 in the form of option under para 3.6, (3) post 07.05.2010 promoted CSS cadre and 4) post 07.05.2010 promoted JAOs are addressed by extending “**One time dispensation**” repeatedly as and when required.

The JTOs of 2007, 2008 batches and DR JAOs of 2010 batch also recruited in the same pre-revised pay scale of Rs 9850-250-14600 and extended the basic pay of Rs 9850/- or minimum of E1A scale as mentioned in the recruitment notices. All of them joined prior to the promoted JAOs of 2010 batch and AMs promoted from CSS cadre.

So, we request that similar relief to the JTOs of 2007, 2008 batches and DR JAOs of 2010 batch by fixing their initial basic pay at 22820/- to end the disparity in pay between the Executives. To have parity in the initial pay of all the Executives joined after 01.01.2007 in the same grade and at the same stage at the minimum of the pay of Rs 9850/- in the same pay scale of Rs 9850-14600, it is requested to grant Rs 22820/- as the initial basic pay for all the Executives recruited after 01.01.2007 as already granted to one section of employees.

With kind regards,

Yours sincerely
-sd-
(Prahlad Rai)
General Secretary

Copy for kind information to:

Smt. Arundhati Panda, PGM (PF-II), BSNL Corporate Office