



ALL INDIA BHARAT SANCHAR NIGAM LIMITED EXECUTIVES' ASSOCIATION

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No. AIBSNLEA/CHQ/Dir (HR)/2016-17

Dated 29.08.2016

To

Smt. Sujata Ray

Director (HR)

BSNL Board,

New Delhi -110001

Subject: Request for Implementation of directions in the judgment of Hon'ble CAT, Madras Bench dated 12.7.2016 Vide OA.no.310/00440/2014 regarding Stoppage of recovery and restoration of the original pay of the affected Executives of 1997, 1998 & 1999 JAO batch – Reg.

Reference:

- 1) CO.ND.Lr.no.400-175/2007-Per I dated 19.2.2010
- 2) CO.ND.Lr.no.59-4/2014 -Per DPC) dated 18.2.2015
- 3) Judgment pronounced by Hon'ble CAT, Madras Bench Madras dated 12.7.2016 Vide OA.no.310/00440/2014

Respected Madam,

We wish to bring the following for favour of your kind information and consideration please Madam.

As per the instructions contained in the above cited Corporate Office, New Delhi Office letters at Sl. No. (1) & (2), the pay of the executives of 1997, 1998 & 1999 JAO batch who have got AAO promotion on 26.12.2000, 1.4.2003 & 1.4.2004 respectively had been stepped down and recovery of excess Pay & Allowances drawn on account of pay protection on counting of past officiating spells in the AAO cadre was already initiated.

We would like to draw your kind attention to the **Hon'ble CAT, Madras Bench judgment** referred at (3) above, in the case of P.K. **Sethuraman & others VS BSNL** directing "that the respondents shall give protection of the applicants' pay already fixed at Rs.12475/- while fixing their pay and that there shall be no recovery on any amount from the applicants and accordingly the matter has to be processed and if any amount is due to them may be payable the same shall be payable to them."

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It is further observed by the Hon'ble CAT, Madras Bench that the pay was fixed with reference to FR 22 (i) (a) (1) and absolutely there was nothing wrong in the fixation. This is a case where even in the year 2001 the applicants were promoted as officiating AAOs and that was followed by regular promotion in the year 2003 and w.e.f 1.4.2003 their pay was fixed at Rs.12475/- taking into account the increments earned by them as officiating AAO. As such in this case earlier appropriately and appositely, correctly and legally, the BSNL w.e.f.1.4.2003 fixed the applicants pay taking into consideration the increments which they earned earlier while officiating as AAO. Copy of the same is enclosed herewith for ready reference.

In view of the above, we earnestly request your good self to kindly cause to issue necessary instructions to implement the directions of Hon'ble CAT Madras Bench vide OA.no.310/00440/2014 dated 12.7.2016 in true spirit and order for stoppage of recovery and restore the original pay of the affected Executives and if any amount is due to payable to them, the same shall be paid to them.

With kind regards,

Yours sincerely
-sd-
(Prahlad Rai)
General Secretary

Copy to:

1. The GM (Estt), BSNL Corporate Office, New Delhi – 110001