

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



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AIBSNLEA/CHQ/DRHR/2017

Dated 13.11.2017

To,

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

Subject: Request for Protection of Pay availed during Officiating Arrangements in the cadre of AAO on actual basis in respect affected Executives of 1997, 1998 & 1999 JAO batch – Reg.

Reference:

- 1) CO.ND.Lr.no.400-11/2011-Per I(Pt.) dated 28.2.2017
- 2) AIBSNLEA Lr.No. AIBSNLEA/CHQ/Dir (HR)/2016-17 Dated 29.08.2016
- 3) CO.ND.Lr.no.400-175/2007-Per I dated 19.2.2010
- 4) Hon'ble CAT Bench Madras Judgment dated 12.7.2016 in OA.no.310/00440/2014

Respected Madam,

We would like to draw your kind attention on the above subject and request you to consider the case on merits so that the Pay of the 1997, 1998 & 1999 batch JAOs may be fixed on actual basis as per the instructions contained in the above cited Corporate Office, New Delhi Office letter at Sl. No. (1), 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 has to be fixed on actual basis (retrospectively) and recovery already made from the executives on the basis of the clarification issued vide above cited Corporate Office, New Delhi Office letters at Sl. No. (3) to be refunded/arrears to be paid to the concern Executives.

But it is learnt that the Pers. Branch of Corporate Office New Delhi has advised SEA Branch that the Pay of the affected Executives has to be fixed on Notional basis immediately and arrears to be paid to the concern Executives will be decided later on. **The pay fixation issue was kept pending for years together and the affected Executives are getting frustrated since their issue is being dragged unnecessarily even the order dated 28.2.2017(Ref.1) is self-explanatory.**

In this regard it is submitted that **the Post based Promotions to the cadre of AAO are governed by earlier Time Bound /Promotion Policies of DOT/BSNL, counting of officiating spells and protecting the pay as per FR 22 I a (1) is correct**

Further as per BSNL C.O. Lr No. 4-1/2003-SEA dated 08/07/2003, 26 JAOs have been promoted to the grade of AAO in the scale of Rs . 7450-225-11500. The order clearly stipulates **“On promotion to the grade of Assistant Accounts Officer, the pay of the officers will be fixed under FR22 (I) (a) (1).” Hence they are entitled for protection of Pay and their officiating pay while they were promoted to the same scale subsequently and they should not draw less than what they would have drawn earlier while officiating in the same scale of pay and the stage at which they have been promoted and the period of such stage will be taken into account for the purpose of granting the Date of Next Increment while fixing the pay in the promoted post.**

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In the instant case, the pay fixed to an officer under relevant rules is reduced thereby tantamount to a measure of penalty and recovery was also made which not only affects his wages but also his Retirement benefits including Pension, while he is holding the same post which is not permitted under any circumstances. The pay drawn by an officer has to be protected so long as he is holding the same post unless there is reduction in pay on account of any disciplinary proceeding and recovery already made from the Executives on the basis of the wrong clarification issued vide above cited Corporate Office, New Delhi Office letters at Sl. No. (3) has to be refunded/arrears to be paid to the concern Executives in the light of the orders contained above cited Corporate Office, New Delhi Office letters at Sl. No. (1).

In this regard, We would like to draw your kind attention that the said clarificatory order dated 28.2.2017 cited under Ref(1) has been issued by the Corporate Office New Delhi on the basis of the AIBSNLEA letter dated 29.8.2016 (Copy enclosed) **read with 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."**

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 foregoing, we earnestly request your good self to kindly cause to issue necessary instructions to implement CO.ND.Lr.no.400-11/2011-Per I (Pt.) dated 28.2.2017 and the directions of Hon'ble CAT Madras Bench vide OA.no.310/00440/2014 dated 12.7.2016 in true spirit and restore the original pay of the affected Executives and if any amount/arrears 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 PGM (Pers.), BSNL Corporate Office, New Delhi – 110001
2. The GM (FP), BSNL Corporate Office, New Delhi – 110001