



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

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No. AIBSNLREA/CHQ/2013/46

Dated: September 23, 2013

To

Shri MF Farooqui,
Secretary,
Department of Telecommunication,
New Delhi 110001

Sub: Benefit of merger of 50% DA effectively amounting to 78.2% as on 01.01.2007 for the purpose of fitment in the revised IDA pay scales of BSNL employees - Payment of arrears of pay to the BSNL Employees for the period between 01.01.2007 and 09.06.2013 on application of revised fitment benefit, Reg.

Ref: (1) DOT OM No. 61-01/2012-SU dated 10.06.2013
(2) BSNL letter No. 1-19/2012-PAT(BSNL) dated 08.08.2013
(3) Minutes of the Official Meeting Chaired by Secretary (T)

Sir,

We would like to draw your kind attention to our earlier representation, vide our letter No. AIBSNLREA/CHQ/2013/42 dated 30.08.2013 [copy enclosed as Annexure-I for ready reference], on the above mentioned subject wherein we had brought to your notice several discrepancies and contradictions in the DOT OM No. 61-01/2012-SU dated 10.06.2013 which stated that the President approved BSNL's proposal regarding fitment as per DPE OM No. 2(70)/08-DPE(WC)-GL-VII/09 dated 02.04.2013 but surprisingly declared that "no arrears will be paid", whereas BSNL had proposed "payment of arrears to be considered after the company's operation become profitable" and not for "no arrears will be paid" as contained in DOT's OM dated 10.06.2013. We had also pointed out that DOT's OM dated 10.06.2013 conveyed that "All instructions/ guidelines issued by DPE from time to time in this regard may be scrupulously followed", but no DPE instructions/guidelines on this issue did give any option or authority to any PSU or the concerned Administrative Ministry to deny benefit of payment of arrears to the eligible PSU Employees on account of fitment benefit in revised IDA pay scales which were ordered for implementation w.e.f. 01.01.2007. The DPE also did not allow any option to implement the revised fitment benefit of 78.2% from any date subsequent to 1.1.2007.

2 In view of the above, we had requested for early issue of a speaking order on the above stated subject to clear the air of doubts regarding payment of arrears for the period 01.01.2007 to 09.06.2013 to all the BSNL Employees who were granted revised IDA pay scales on 01.01.2007 and had been in service during the above said period.

3 Now we find some **glaring contradictions in the official minutes of the meeting chaired by Secretary (T) and attended by Joint Secretary (T), CMD, BSNL, Addl Secretary(T), Member (Finance) and Member (Services)**. The Para 4 of the Minutes reads as “It was also noted that BSNL Board in its 143rd Meeting held on 28.8.2012 decided to implement DPE OM dated 2.4.2009 subject to approval by the competent authority. It was also decided in the said meeting that actual payment will be made with prospective effect and arrears thereof will be deferred for the time being and will be paid only when the financial position of the company improves...”. The Para 8 of the same Minutes reads as follows : “After deliberations, it was felt that the wage revision in BSNL had already been approved in terms of DPE OM dated 26/11/2008, the only point at issue was the implementation of the DPE OM dated 2/4/2009 granting the benefit of 50% DA with basic pay for the purpose of fitment effectively amount the DA at the rate of 78.2%. Therefore, no wage revision was involved in the present matter and implementation of DPE OM dated 2/4/2009 follows as a natural corollary to the implementation of DPE OM dated 26/11/2008.

It was also noted that in terms of the agreement between BSNL and its unions no arrears are to be paid and the revised fitment on the basis of DPE OM dated 2/4/2009 will be paid only with prospective effect”.

4 Now we are to state with deep regret that the second part of Para 8 of the Minutes, as quoted above, directly contradicts what has been recorded at Para 2 of the Minutes of the same meeting. At Para 2, it is said that “.....It was also decided in the said meeting that **actual payment will be made with prospective effect and arrears thereof will be deferred for the time being and will be paid only when the financial position of the company improves...**”. But the sub-Para of Para 8 states that “It was also noted that **in terms of the agreement between BSNL and its unions no arrears are to be paid and the revised fitment on the basis of DPE OM dated 2/4/2009 will be paid only with prospective effect**”. Such contradictions in the recordings of the Minutes of the same official meeting, we feel, has caused the defective OM dated 10.06.2013 being issued which invited the present controversies.

5 In this context, we enclose herewith a copy of the Agreement between BSNL and its Unions (vide Annexure-II) which has been referred to in the Minutes of the above mentioned meeting chaired by the Secretary(T). The point No.1 of the Agreement reads as follows:- “**Revision of pay is agreed as per fitment benefit @78.2% w.e.f. 1.1.2007 subject to approval by the competent authority. However, actual payment will be made prospectively and arrears thereof will be deferred for the time being and will be paid only when the financial position of the company improves...**”. Thus, as per the agreement, the payments were only to be deferred and **not denied**. There was also no agreement that “**No arrears will be paid**” as ordered in DOT OM dated 10.06.2013. Another important aspect of the agreement is that “**It was agreed that revision of pay is agreed as per fitment benefit w.e.f. 1.1.2007**” only and not from a prospective date. Further, as per the agreement “**the actual payment will be paid prospectively**”, but revision of pay was **agreed with fitment benefit @78.2% w.e.f. 1.1.2007** only and not from a prospective date. **BSNL has also granted fitment benefit @78.2% w.e.f. 1.1.2007 while implementing DOT OM dated 10.06.2013 but only to those who were in service on or after 10.6.2013.**

6 With this fresh inputs, we request you to kindly review the entire issue regarding implementation of revised fitment with merger of 78.2% DA in the revised IDA Scales that were implemented w.e.f 1.1.2007 in BSNL and payment of arrears thereof for the period 1.1.2007 to 9.6.2013 and issue a corrective order immediately. The revised fitment is,

therefore, to be implemented to all those who were in service as on 1.1.2007 and who received the benefit of revised IDA pay scales as per DPE OM dated 26/11/2008 w.e.f. 1.1.2007 irrespective of their date of retirement subsequently. The arrears, on account of implementation of revised fitment, as per DPE OM dated 2/4/2009, could be deferred and payments made in multiple installments but cannot be denied.

With kind regards,

Yours sincerely,



(S Basu)
General Secretary

Encl: As stated

Copy to:

- 1 Shri S.C. Misra,
Member (Services),
- 2 Smt Sadhana Dixit,
Member (Finance),
- 3 Shri R K Upadhyay,
CMD, BSNL.
- 4 Shri A N Rai,
Director (HR), BSNL.
- 5 Shri KCGK Pillai,
Director (Finance), BSNL.
- 6 Smt Rita Teatota,
Addl Secretary (T).
- 7 Shri V Umashankar,
Joint Secretary (T)
- 8 Shri K S Dahiya,
Under Secretary,
Pension Section, DOT.