



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

Central Headquarters

111, New Ashiana Apartments, Plot-10, Sector-6, Dwarka
New Delhi-110 075

E-mail : gensecaibsnlrea@yahoo.com

President : P. D. Shukla
Ph.: 0522-2414477
(M) 09450457648

General Secretary : S. Basu
Ph.: 011-25073969
(M) 09868092995

Financial Secretary : Hari Ram
Ph.: 011-25075541
(M) 09868538189

No.AIBSNLREA/CHQ/2013/38

Dated: August 20, 2013

To

Shri M F 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 pay scales of BSNL employees – Cases of the BSNL Employees who were in service on 01.01.2007 but retired before 10.06.2013.**

Ref: **(1) DOT Letter No. 40-13/2013-Pen (T) dated 28.06.2013**
(2) BSNL letter No.1-19/2012-PAT(BSNL) dated 08.08.2013

Sir,

We would request you to kindly refer to our earlier letters No. AIBSNLREA/CHQ/ 2013/30 dated 01.07.2013 and No. AIBSNLREA/CHQ/2013/33 dated 16.07.2013 on the above mentioned subject. In our letters under the given references, we had submitted that BSNL authorities are not extending the revised fitment benefit with merger of 50% of DA effectively amounting to 78.2% of DA as on 1.1.2007, in terms of DOT's OM No. 61-01/2012-SU dated 10.06.2013, in the revised IDA pay scales to the BSNL employees who were in service on 01.01.2007 but retired before 10.06.2013. DoT issued this OM dated 10.06.2013 in partial modification to its earlier OM No. 61-01/2009-SU dated 27.02.2009 wherein benefit of merger of 50% DA effectively amounting to 68.8% as on 01.01.2007 for the purpose of fitment in the revised IDA scales for the BSNL employees was ordered. It is to again point out that these BSNL employees who were in service on 01.01.2007 and retired before 10.06.2013 also received the benefit of revised IDA pay scales in replacement of pre-revised IDA scales with effect from 01.01.2007 in accordance with the orders issued by DPE vide its No. 2(70)/08-DPE(WC)-GL-XVI/08 dated 26.11.2008.

2 Now we regret to state that instead of addressing to the real issue, DOT itself is practically confusing the whole matter. DoT in a letter to BSNL vide its

No. 40-13/2013-Pen (T) dated 28.06.2013 had asked BSNL “to indicate whether the pay of the BSNL absorbees who retired from 01.01.2007 to 09.06.2013 will be affected by these orders. If so to what extent it will be affected? Will the pay of these absorbees be revised notionally w.e.f. 01.01.2007 onwards? “ **It is astonishing that DOT, the administrative Ministry, is asking the BSNL which has to implement its order, some questions which are not relevant in the present case. How the question of another “pay revision” comes? Pay revision has already taken place w.e.f. 01.01.2007 for all the BSNL employees who had been in service on 01.01.2007 and the present Order dated 10.06.2013 issued by DOT is not regarding revision of pay scales but purely regarding fitment benefit from pre-revised IDA pay scales to revised IDA pay scales effective from 01.01.2007. As such, all the employees who got the benefit of revised IDA scales w.e.f. 01.01.2007 including those who retired on a later date are eligible to get this benefit by virtue of their being in service on 01.01.2007.** BSNL, in accordance with its understanding of the DOT OM dated 10.06.2013, has also clarified that “the issue of pay revision, notional or otherwise, of those employees who retired between 01.01.2007 and 09.06.2013 does not arise.”

3 BSNL, in its reply vide its No. 1-19/2012-PAT(BSNL) dated 08.08.2013, has also admitted that **they have given the benefit of modified fitment with effective merger of 78.2% DA with effect from 01.01.2007 only those employees who were in service on 10.06.2013. But this benefit has not been extended to the employees who retired between 01.01.2007 and 09.06.2013.** It is really a matter of surprise that this particular group of employees retired between 01.01.2007 and 09.06.2013 are given the benefit of revised IDA pay scales w.e.f. 01.01.2007 with the fitment benefit of **effective merger of 68.8% of DA** and those who are in service on 10.06.2013 onwards are given the fitment benefit of **effective merger of 78.2% DA** in the same revised pay scales from the same date. **Department of Public Enterprises also did not order for extending two different fitment benefits to the employees who received their revised IDA pay scales with effect from the same date i.e. 01.01.2007.** Thus the action of BSNL is discriminatory and against the law.

4 BSNL’s reply dated 08.08.2013 to DOT also indicates that **BSNL has not extended the same fitment benefit in the revised IDA pay scales as ordered in DOT OM dated 10.06.2013 to its those employees who retired from 01.01.2007 to 09.06.2013 on the plea that DOT has ordered that “no arrears will be paid” apparently for the period between 01.01.2007 and 09.06.2013 and the “revised fitment on the basis of DPE OM dated 02.04.2009 will be paid with prospective effect only.”** We are of the view that this is a wrong interpretation of the Order by BSNL. Department of Public Enterprises, in its Pay revision Orders dated 26.11.2008 or the Order dated 02.04.2009 modifying its earlier OM in respect of fitment

benefit, did not give any flexibility or option to the CPSEs to defer the implementation of the Orders regarding fitment benefit to a later date for any section of the employees. Fitment benefit has to go along with the revision of pay scales with effect from the same date. It has nothing to do with the question of payment of arrears.

5 Further **BSNL has implemented the DOT OM dated 10.06.2013 w.e.f. 01.01.2007 to the employees who are in service on 10.06.2013 whatever may be its interpretation regarding the date of its effect. How can it deny this benefit to those who also received revised IDA pay scales along with others w.e.f. 01.01.2007 on the plea that they have retired before 10.06.2013?**

6 Under the above circumstances that the present case is not a case for fresh revision of pay scales and is a case exclusively for implementation of DPE Orders regarding fitment benefit in the revised IDA scales to one and all who received the benefit of revised IDA scales w.e.f. 01.01.2007, it is requested that BSNL be advised to extend the modified fitment benefit of merger of 50% DA effectively amounting to 78.2% to all its employees who were the recipients of the revised IDA pay scales w.e.f. 01.01.2007 irrespective of their date of retirement subsequent to 01.01.2007.

With kind regards,

Yours sincerely,



(S Basu)
General Secretary

Copy to:

- 1 Shri S.C. Misra,
Member (Services),
Telecom Commission.
- 2 Smt Sadhana Dixit,
Member (Finance),
Telecom Commission.
- 3 Shri R K Upadhyay,
CMD, BSNL.
- 4 Shri A N Rai,
Director (HR), BSNL.
- 5 Shri KCGK Pillai,
Director (Finance), BSNL.
6. Shri K S Dahiya,
Under Secretary,
Pension Section, DOT.