



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 : V. Chinnappaiah

Ph.: 044-22603300

(M) : 09444003300

General Secretary : S. Basu

Ph.: 011-25073969

(M) 09868092995

Financial Secretary : Hari Ram

Ph.: 011-25075541

(M) 09868538189

No. AIBSNLREA/CHQ/2020/89

Dated: 25.08.2020

To

Shri Anshu Prakash,
Secretary (Telecom),

Dept. of Telecommunications,
New Delhi 110001.

Sub: Unnecessary creation of hurdles in issuing e-PPO by raising illogical and invalid objections regarding pay-fixation done 18 years back by CCA, Vijayawada– Case of Shri J V Y Sastry, Retd AGM, East Godavari TD (HR No. 199001703).

Sir,

We are constrained to bring to your kind attention another case of unnecessary harassment and mental torture to a pensioner who retired from BSNL on 31.01.2020 under BSNL VRS-2019 due to illogical and untenable objections raised by CCA, Vijayawada and also earnestly request to direct the concerned Officers to resolve the issue at the earliest.

2.1 In this case, the CCA, Vijayawada has not only ignored all the orders/rules of the Government which are to be observed while verifying service records up to a certain limit on receipt of pension papers of the retirees with reference to the applicable Pension rules and assessment of pensionary benefits, but also raised objection to the pay-fixation allowed to the above named pensioner under FR 22(I)(a)(i) on his regular promotion from lateral JTO scale to SDE as per the then prevailing rules. This fixation was correctly allowed about 18 years back in the year 2002. Now the CCA Vijayawada has also ordered recovery of huge amount.

2.2 DOT, vide its No. 7-1/2000/TA-I KWI/17 dated 09.12.2006, while clarifying to all the Controller of Communication Accounts that the benefit of double pay-fixation under FR 22(I)(a)(i) with respect JTO/SDE on their vertical promotion after getting Lateral Advancement will no longer to be extended after 05.09.2006, made it absolutely clear that "The O.M. does not affect the employees who have already got the benefit up to 04.09.2006" [**Copy of the Order placed at Annexure-I**]. Since Shri J V Y Sastry, Retd AGM, in this case, got the benefit of pay-fixation on 19.07.2002 on his vertical promotion as SDE, there is no irregularity in his pay fixation that was done in 2002.

2.3 The CCA, Vijayawada has further unnecessarily linked this case with that of grant of additional increment on vertical promotion under "BSNL Executive Promotion Policy -2004" which came into operation in 2004. Moreover, here also, the provision for grant of additional increment on vertical promotion was restored back by DOT vide its No. 40-12/2004-Pen(T)(pt) dated 17.05.2018 (**Copy of the DOT Order placed at Annexure-II**) followed by BSNL No.400-

55/2016-Pers.I dated 26.07.2018 following the direction of the Hon'ble Court [*Copy of the BSNL order placed at Annexure-III*].

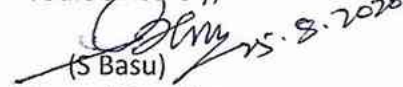
3.1 It may kindly be appreciated that the CCA, Vijayawada has unnecessarily mixed up the case of pay-fixation Ordered under FR.22(I)(a)(i) on vertical promotion as SDE from the JTO Lateral Advancement scale to Shri J V Y Sastry, Retd AGM, which was allowed by the DOT Order till 04.09.2006, after his absorption in BSNL and another unrelated case of provision for grant of additional increment on vertical promotion after the financial upgradation allowed in the same scale as provided in 'BSNL Executive Promotion Policy-2004'. The CCA, Vijayawada has also failed to note that in 2002, 'BSNL Executive Promotion Policy-2004' was not at all in existence and operative.

3.2 Since the pay-fixation under FR-22(I)(a)(i) allowed in 2002 to Shri J V Y Sastry, Retd AGM under separate policy, which was allowed till 04.09.2006 as per the DOT Order No. 7-1/2000/TA-I KWI/17 dated 09.12.2006 as mentioned at Para 2.2 above, the same anyway cannot be linked with 'BSNL Executive Promotion Policy-2004'. Moreover, the CCA Vijayawada seems to be unaware that the additional increment under EPP-2004 is still being allowed, after its restoration, to the Executives on their vertical promotion from the lateral scale.

4.0 In view of the above facts and the position explained, it is earnestly requested to kindly intervene in the matter and cause issue of appropriate advice to the CCA, Vijayawada to stop raising avoidable objections and to withdraw its orders for recovery of non-existent overpayment. We further request that Shri J V Y Sastry, Retd AGM be immediately issued his long-awaited e-PPO.

With kind regards,

Yours sincerely,


(S Basu) 15.8.2020

General Secretary

Enclosures: As stated

Copy to:

1. Shri P K Sinha,
Member (Finance), Telecom Commission.
2. Shri Srikant Pandey,
Pr. CCA, Hyderabad.
3. Shri K Vinod Kumar,
CCA, Vijayawada.
4. Shri A Srinivasa Rao,
General Manager Telecom, EGSSA,
Rajahmundry.
5. Shri D Atcharao,
Dy GM(Finance), EGSSA, Rajahmundry

Annex - K

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATION AND INFORMATION TECHNOLOGY.
DEPARTMENT OF TELECOMMUNICATION
20, ASHOKA ROAD, SANCHAR BHAWAN, NEW DELHI 110001.
(TA-I SECTION)

NO: 7-1//2000/TA-I KWI/17

dated 09.12.2006.

To

All Controller Of Communication Accounts

Sub: Pay fixation under FR22(I)(a)(i) to JTOs and SDEs on their vertical promotion after lateral Advancement of benefit.

The undersigned is directed to refer to this office O.M. NO.1-4(34)/2000-PAT dated 05.09.2006 and of even no. dated 03.11.2006 on the above subject and to say that Estt branch of this office on queries from various CCAs has clarified the following.

So far as the O.M. dated 5.9.2006 is concerned, it is very clear and speaks about the withdrawal of benefit of double pay fixation under FR 22(I)(a)(i) with respect to the JTO/SDE on their vertical promotion after getting Lateral Advancement. It is clear that no such benefit will be extended in future i.e. after 5.9.2006. The O.M. does not affect the employees who have already got the benefit up to 4.9.2006.

Based on above the pension cases may be examined and wherever necessary may be revised accordingly.

(Signature)
(S.K. Mukherjee)

Assistant Director General (DCAT)
Ph-23036060

AD (TA-I)
11/12

fe. J.
11/12/06

Copy to DDG (Estt) w.r.t. their U.O. note No. 1-4(34)/2000-PAT(pt) dated 30.11.2006. It is intimated that the matter of pay fixation is the subject matter of Estt. Branch. As such the same will continue to be referred to Estt. Branch direct by the CCAs and not through Accounts branch to avoid wastage of time and increase in paper work.

SO (PAT)

SO (P.G.)

(Signature)
11/12/06

886/PAT/06
17/12

S.K. Mukherjee
- 9/12/06

No.40-12/2004-Pen (T)(pt)
Government of India
Ministry of Communications
Department of Telecommunications

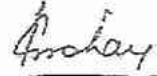
Sanchar Bhawan, 20, Ashoka Road, New Delhi.
Dated : 17th May, 2018.

Subject : Pay fixation matters relating to BSNL absorbed employees – Issue of increment on regular promotion to a scale.

This refers DoT order of even number dated 05.07.2017 on the above mentioned subject. The said order is under various stages of litigation in some courts.

2. Accordingly, the implementation of the said order has been reviewed and it has been decided to process pension cases of absorbed BSNL executives, who are immediately retiring or retiring within the ensuing months, ignoring DoT order No. 40-12/2004-Pen (T)(pt) dated 05.07.2017 after obtaining an undertaking from the retiring executives that in the event the court orders are in favour of DoT, they would refund the over-paid amount due to grant of an extra increment on their post based promotion under EPP. In case of refusal to give undertaking for refund of the over-paid amount, the order No. 40-12/2004-Pen (T)(pt) dated 05.07.2017 is to be implemented in such cases.

This issues with the approval of Secretary (T).



(K S Dahiya)

Under Secretary (STP)

To

1. DDG (A/cs), DoT (Hqrs), New Delhi.
2. All CCAs

Copy to: The Chairman cum Managing Director
BSNL, Bharat Sanchar Bhawan,
Janpath, New Delhi-110 001.

BHARAT SANCHAR NIGAM LIMITED

(A Government of India Enterprise)

CORPORATE OFFICE

PERSONNEL BRANCH

4th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi 110 001

No. 400-55/2016-Pers.I

Dated: 26-JUL-2018

To

All the Heads of Telecom Circles/
Projects/Regions & other Administrative Units of BSNL

Subject:- Pay fixation matters relating to BSNL employees under provisions of para II(V) of EPP - grant of additional increment on post based promotion in same pay scale- proper implementation thereof.

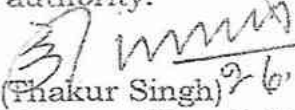
The undersigned is directed to refer to this office letter of even number dated 11-05-2018 on the subject mentioned above wherein it was conveyed that the referred DoT order dated 05-07-2017 was challenged by BSNL Association as well as certain affected executives before CAT, Principal Bench, Delhi in OA No. 2649/2017 [MA No. 2791/2017 & 3225/2017] and Hon'ble CAT Principal Bench, Delhi vide its order dated 21-12-2017 has quashed and set aside the said DoT order thereby restoring the EPP position on the grant of additional increment.

However, there appears to be some confusion w.r.t. the validity of certain intermediate orders issued by this office on the subject viz. orders of even number dated 25-7-2016, 08-5-2017, 06-6-2017 and 05-9-2017.

It is hereby clarified that these orders have lost their validity in the backdrop of CAT, Principal Bench, Delhi order dated 21-12-2017 referred above. Accordingly, the position prescribed by EPP under para II(V) prevails so far as the grant of additional increment on post based promotion in same scale is concerned subject to DoT Order No. 40-12/2004-Pen(T)(pt) dated 17-05-2018. On grant of additional increment in the same scale on post promotion, the DNI (fixed w.r.t. financial upgradation) in the scale will remain unaltered.

The Pay/Pension cases of the BSNL executives may be regulated accordingly.

This is issued with the approval of the competent authority.


(Thakur Singh) 26.07.18

Assistant General Manager (Pers. Policy)

Copy to:-

1. PPS to CMD, BSNL/ PPS to all Directors of BSNL Board.
2. Sr. GM(Estt) /Sr.GM(FP)/GM(Pers)/CGM(BW)/CGM(EW)/CGM(Arch), BSNL CO.
3. All PGMs/Sr. GMs/GMs, BSNL Corporate Office.
4. Director (Staff)/(PSU)-I/ SO(SU),DoT, Sanchar Bhavan, New Delhi.
5. BSNL Intranet/Guard file.


[M. Banal] 26/07/2018

Deputy Manager (Pers. Policy)