



MOST URGENT
COURT CASE

BHARAT SANCHAR NIGAM LIMITED

(A Government of India Enterprise)

5th flr. Bharat Sanchar Bhawan, Janpath,
NEW DELHI-110001

Corporate Office

Personnel-IV Section

No. 3-8/2010/Pers-IV

Website: www.bsnl.co.in

Dated: 30th April, 2013

To

All Heads of Telecom Circle/Districts,
Chief General Manager, NTR,
Bharat Sanchar Nigam Limited,

**Subject:- SLP(C) No.4553/2012 in OA No. 1282/2010 filed by
BSNL Officers Association Vs CMD BSNL & Ors in CAT
Principal Bench, New Delhi-reg**

An OA bearing No.1282/2010 was preferred by BSNL Officers Association before Hon'ble CAT, Principal Bench on 6th May, 2010, seeking parity with the officiating JTO of Kerala circle for fixation of the pay of it's member JTOs under FR 22(1)(a)(i) without restriction of FR 35. The OA was admitted by the Hon'ble Principal Bench which vide it's order dated 26th August, 2010 ordered as under:-

"....For parity of reasons, we allow present OA in terms of the decision of Ernakulam bench of this Tribunal in the matter of M.V.Salilakumar & Ors. Vs CMD & Ors.(supra). However, we make it absolutely clear that the fate of the applicants herein would be dependent upon the writs filed by the respondents in Kerala High Court. That being so, if the writs allowed, the respondents may withdraw the benefits given to the applicants and, therefore, there will be no need for the respondents to file separate writ in this case."

The WP No.1339 of 2011 filed against the above order of the Hon'ble CAT, Principal Bench was dismissed by the Hon'ble High Court of Delhi, which upheld the decision of the Principal Bench. A SLP(C) bearing No.4553/2012 was preferred before the Hon'ble Supreme Court of India, which upheld the orders of the Principal Bench and observed as under:-

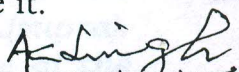
"It goes without saying that in the light of the observations made by the Tribunal and those made by the High Court if the Writ Petitions filed by the petitioner/corporation before the Kerala High Court are eventually allowed and the judgement of the Ernakulam Bench and the CAT is set aside, any benefit which the petitioner - corporation may have extended to it's employees pursuant to the said judgement can be reversed not only qua those who are parties to the said case but also qua

A. Singh

all such employees as have on the analogy of said order obtained benefit from the petitioner/corporation with or without intervention of the CAT or the High Court."

In view of the above judgement of the Hon'ble Apex Court, it has been decided by the competent authority to implement the orders dated 26th August, 2010 of the CAT, Principal Bench. The implementation will be effective from 26th August, 2010 i.e. the date of the orders of the Hon'ble CAT, Principal Bench and will be limited only to those officials who were members of the BSNL Officers Association on 6th May, 2010 i.e. the date on which OA No.1282/2010 was filed before the Hon'ble Principal Bench. The implementation will be subject to the outcome of the fourteen WPs arising out of TA No.84 to 97/2008 pending before the High Court of Kerala at Ernakulam. As clarified by the Hon'ble Supreme Court of India, in the event of the success of the fourteen WPs filed before the Hon'ble High Court of Kerala at Ernakulam, the amount so paid to the members of the BSNL Officers Association as well as other officials who have been extended the benefit with or without intervention of any CAT or High Court will be recoverable from the beneficiaries.

All Heads of Telecom Circles/NTR/Districts are further advised to take appropriate steps for recovery of the amount paid to those of the officials who may retire in the intermittent period i.e. before the pronouncement of the final verdict of the Hon'ble High Court of Kerala at Ernakulam in the fourteen WPs pending before it.


30/5/2013

(A.K.SINGH)

Assistant General Manager (Pers-IV)
Ph. 23734152 & Fax: 23734051