

F. No. 27-1/2008-TE-II

Dated : 02-03-2010

To

All Heads of Telecom Circles/
Metro Districts/Administrative Units,
Bharat Sanchar Nigam Limited.

SUB: Fixation of pay from the date of next increment in lower cadre on promotion under BCR in pay scale of 5000-8000 with reference to date of promotion to his junior.

REF: This Office letters No. 22-47/93-TE-II dated 24/02/2004 and 28/04/2004 regarding implementation of Hon'ble Supreme Court judgement dated 09/10/2002 in C.A. No. 10692/95 and C.A. Nos. 5031-5041/96 in the matter of Union of India & Others Vs. Smt. Leelamma Jacob & Others.

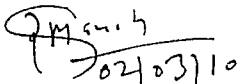
In connection with compliance of instructions issued vide this Office letters No. 22-47/93-TE-II dated 24/02/2004 and 28/04/2004, certain references from Circles have been received with regard to exercising option by the senior officials covered under the instructions contained in this Office letters dated 24/02/2004 and 28/04/2008 for fixing their pay from the date of next increment in lower cadre on promotion to BCR Gr. III in the pay scale of Rs. 5000-8000 (CDA) by comparing with their juniors.

The matter has been examined in this Office and it is clarified that that vide BSNL C.O. letter dated 24/02/2004 it was directed that all the officials who were promoted earlier to Gr. II by virtue of passing the Limited Departmental Examination etc. and thus became senior to the officials who were promoted later to Gr. II through 2/3rd seniority quota or on the basis of length of service i.e. OTBP, even though they have not completed total 26 years of service, may be considered for promotion to BCR Gr. III, whenever their juniors in Gr. II were promoted to Gr. III on completion of 26 years of service. Further, vide BSNL C.O. letter dated 28/04/2004 it was directed that all such UDCs/Ex-UDCs, whose juniors have been promoted to Gr. III by virtue of completing 26 years of service, may also be considered for promotion from Gr. II to BCR Gr. III from the date their immediate junior in Gr. II was promoted to BCR Gr. III, without insisting on their completion of 26 years of service in the basic grade including the higher grades.

As per the instructions issued vide aforesaid letters, the pay of the senior officials has to be fixed in the BCR Gr. III pay scale from the date his junior in Gr. II was promoted to BCR Gr. III. Accordingly, the pay of these officials has to be fixed from their respective dates of promotion to BCR Gr. III and there was no option available to the senior officials for fixation of their pay from the date of next increment in their lower cadre. Since the senior officials have been promoted to BCR Gr. III under special circumstances by comparing with their juniors, before completing 26 years of service, their promotion cannot be treated as promotion in normal course. Hence, these officials are not covered under the provision of FR 22(1)(a)(i), which regulates their pay on promotion during normal circumstances.

In the case of the officials who have been promoted to BCR Gr. III in view of the instructions contained in BSNL C.O. letters dated 24/02/2004 and 28/04/2004, the date of next increment (DNI) of the senior official is DNI of the junior official, by comparing with whom the senior official has been promoted to BCR Gr. III. Further, since the senior officials have been promoted to BCR Gr. III from the date of promotion of their juniors, the pay of both the officials is to be remained identical and hence any change of DNI in respect of the senior official, consequent upon his option, may adversely affect the junior official, which may in turn cause anomaly.

It is, therefore, requested to take necessary action, with regard to re-fixation of the pay of the officials, who have been promoted to BCR Gr. III by comparing with their juniors in pursuance of the instructions contained in BSNL C.O. letters dated 24/02/2004 and 28/04/2004, from the date of promotion of their junior to BCR Gr. III, without any option regarding fixation of pay.


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