



# SANCHAR NIGAM EXECUTIVES' ASSOCIATION

CENTRAL HEAD QUARTERS

M. S. Adasul

General Secretary

(M) : 9423082352

E-mail : gssnea2022@gmail.com

All Communications  
to the General Secretary

To,

**Dr. Kalyan Sagar Nippani ji,**

Director HR BSNL Board,

3<sup>rd</sup> Floor, Bharat Sanchar Bhavan,

Janpath, New Delhi 110001

**Letter No. SNEA CHQ/Dir HR/2022-2025/**

**Dated 18<sup>th</sup> September 2024.**

**Sub: Request to Allow option for continuation of present pay till date of promotion under Para 3.6 of order for 2nd Wage Revision Order Dated 07/05/2010 to TTAs Promoted as JTOs as Departmental Outsiders.**

**Ref:** 1. BSNL CO Letter No. 1-16/2010-PAT (BSNL) Dated 07/05/2010.

2. BSNL CO Letter No.1-07/2012-PAT (BSNL) dated 28/03/2012.

3. BSNL CO Letter No. 5-31/2001/Per. IV dated 20/05/2016

4. CAT Chennai OA Nos. 1401, 1343/2017 and 1178/2018 Dated 10/07/24.

**Respected Sir,**

With reference to above subject and matter, it is to once again bring to your kind notice the denial of option to TTAs promoted as JTOs between the period 01/01/2007 to 07/05/2010 who are facing losses due to not allowing option for continuation in the present pay scale till date of promotion.

This issue is well aware to BSNL and issue is related to the 2nd PRC pay fixation/ revision for TTAs who were promoted to JTOs as departmental outsiders candidates. The brief history of the case is attached as Annexure for ready reference.

This matter pertains to the about 250 TTAs promoted as JTOs since 2009 and this association as well as individual have requested BSNL Management for addressing their grievances but their grievances were not heard at any level and finally matter has been taken to different court and some cases as per submission by applicants and pleading by advocates are decided Hon Courts.

Recently case has been heard at CAT Chennai wherein detail analysis of the plea of applicants and stand of the BSNL management and outcome of different Court cases on the subject including decision of PCAT Delhi has been discussed, analysed and finally Hon Court has quashed the pay protection order and directed the manner of pay fixation under FR 22 (1) (a) (1) from their date of appointment, which is the same pay rule on promotion. The court directives are reproduced as follows.

We, therefore, have no hesitation in quashing and setting aside the orders No.5-31/2001-Pers-IV, dated 20/05/2016 with directions to re-examine and re-fix the pay scale of the applicants in the light of the above discussions and pass appropriate order(s). The consequential relief(s) shall follow. The said exercise has to be completed within the period of three months from the date of receipt of a certified copy of this order. The OAs are disposed of accordingly.

It is to bring to your kind notice that that these guidelines are implemented in true spirit by some of Circles and issue is for few of Circles who have not implemented these guidelines correctly and denied option for continuation of present pay till date of promotion.

Sir, now this case is clear from all views and only required is BSNL management has to decide this case in sympathetic manner and give justice to the 250 JTOs who are waiting for justice since last 14 years. Since the CAT, we kindly request your esteemed office to take immediate steps by allowing them option for continuation of present pay till date of promotion under para 3.6 of the 2nd PRC pay revision order dated 07/05/2010 and render justice to them.

We are hopeful that our request will be given due consideration and your esteemed office will issue necessary directions to Establishment section for reconstitution of Committee or to arrange meetings of the Committee and get case studied along with submission of views by recognised Majority Association SNEA and submission of final report of committee within the stipulated time and oblige.

With Warm Regards,

Sincerely Yours,

**Encl: AA**



**M. S. Adasul**  
**General Secretary**  
**SNEA CHQ**

**Copy to:**

1. CMD BSNL for information please.
2. PGM SR BSNL CO for kind information and n/a please.
3. PGM Estt BSNL CO for kind information and n/a please.



**Brief History of the case about Pay Fixation of JTOs 2010 recruited from Departmental Outsider Quota and not given option for continuation of Pay.**

This matter pertains to the about 250 TTAs promoted as JTOs since 2010 who were not granted benefits of 2<sup>nd</sup> PRC by denying the Option for continuation of present pay till date of promotion and are facing pay loss of thousands of rupees per month.

These affected executives, during their tenure as Non-Executive grade TTAs, held the pay scale of Rs. 7100-200-10100 and all of them applied through the proper channels for the JTO DR Examination with a notified pay scale of Rs. 9850-250-14600.

All these TTAs met the prescribed qualifications and relaxations outlined in the JTO RR & notification thereof and accordingly they were selected as departmental candidates for the post of JTO.

These executives were appointed/promoted as JTOs during the period from 01/01/2007 to 07/05/2010, making them eligible to exercise the option for continuation of present pay scales till date of promotion under para 3.6 of the 2nd PRC order No. 1-16/2010-PAT (BSNL) dated May 7th, 2010 (Ref. 2).

However, some pay fixation authorities failed to consider their option from the date of promotion after 01/01/2007 and made a retrospective revision of their TTA pay from 01/01/2007 without considering their chosen pay revision option. Other pay fixation authorities fixed their pay at par with pure outsider JTOs.

In contrast, all other internal officials who were previously in a Non-Executive grade (TTAs/OAs/Clerks) and were promoted or appointed as JTOs/JAOs after 01/01/2007 had their pay fixed in the pre-revised JTO scale, referencing the pay they held in their Non-Executive grade {under FR 22 (1) (a) (1)}.

They were then placed in the revised JTO scale through the option clause Para 3.6 of the 2nd PRC order and associated orders on 18.5.2011, 24.7.2015, & 28.8.2020. This unequal treatment violates their rights and lien under the Non-Executive pay revision and the applicable pay fixation regulations under FRSRs.

Despite the grievances submitted to the competent authorities, their option was denied by quoting the BSNL order Letter No. BSNL CO ND No.5-31/2001/Per. IV dated 20/05/2016 which states, "It is hereby clarified that the appointment given under direct recruitment outside quota after tendering technical resignation by the employee cannot be treated as promotion. Therefore, such employees are not entitled to exercise the option for fixation of pay in terms of the para 3.6 of this office order dated 07/05/2010."

However, the said order was quashed by the Honourable PCAT on 08/05/2015. In the absence of the quashed order, the options submitted by these officials should have been accepted since their pay on appointment is the same as the pay on promotion.

Consequently, BSNL issued a pay protection order vide Letter No. BSNL CO ND No.5-31/2001/Per.IV dated 20/05/2016 under a pre-assumed pay revision, creating an artificial distinction in the pay fixation/revision process between the promotion and appointment of Executive grade JTOs/JAOs from the Non-



Executive grade, simply ignoring their last pay held in service (in the pre-revised scale) and their lien under TTA pay revision.

These individual JTOs as well as this association have requested BSNL Management for addressing their genuine grievances but their grievances were not heard at any level and finally matter has been taken to different courts and some cases as per submission by applicants and pleading by advocates are decided by Hon Courts and hearing in some cases is going on.

Some of the aggrieved JTOs have approached the CAT to seek the correct pay fixation. Recently Honourable CAT Chennai has heard the case and has passed final order in OAs No. 1401 & 1343/2017 & 1178/2018 and issued the following directions to BSNL.

The summary of important points noted by Hon CAT Chennai and directions given to BSNL are extracted from the CAT order and reproduced for ready reference.

1. 6.2 ...the Hon'ble Apex Court observed as under the Special Leave Petition No. 16646 of 1995. Once they were all in one cadre, the distinction between direct recruits and promotees disappears at any rate so far as equal treatment in the same cadre for payment of pay scale. The birth marks have no relevance in this connection..."
2. 6.4. We do agree that the appointment of the applicants cannot be treated as promotion, but as an appointment under the direct recruitment quota, the benefits of pay protection drawn in the TTA grade, while fixing pay in the JTO grade, have to be taken note of.."
3. **METHOD:** The benefit of pay protection would be available to an officer coming from PSU, etc., only if the officer has completed the period of probation successfully for being regularised/confirmed in the post in the parent organisation.
4. **MANNER:** "Fixation of pay under FR 22-B (1) consequent to his appointment to a post at a higher level through direct recruitment, where higher duties and responsibilities are involved ... his pay will be fixed under FR 22 1 a 1... it cannot be said that once the applicants have been appointed in the same cadre as that of the promotee(s), the pay cannot be protected. The pay protection has to be automatic; no artificial distinction can be made in the cadre ...."
5. **Conclusion:** We, therefore, have no hesitation in quashing and setting aside the orders No.5-31/2001-Pers-IV, dated 20.5.2016.....with directions to re-examine and re-fix the pay scale of the applicants in the light of the above discussions and pass appropriate order(s). The consequential relief(s) shall follow. The said exercise has to be completed within the period of three months from the date of receipt of a certified copy of this order. The OAs are disposed of accordingly."

**Since the CAT quashed the pay protection order and directed the manner of pay fixation under FR 22 (1) (a) (1) from their date of appointment, which is the same pay rule on promotion, we kindly request your esteemed office to take immediate steps by allowing their option "from the date of promotion after 01/01/2007" under para 3.6 of the 2nd PRC pay revision order dated 07/05/2010 and render justice to them.**

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