



ALL INDIA TELECOM EXECUTIVE & ENGINEERS ASSOCIATION

(Together We Can)

(A Joint Initiative by Young DR Executives of BSNL)

No. GS/AITEEA/HR/2016

Dated, 3rd September, 2016

To,
The Honorable Director (HR)
BSNL Board,
Corporate Office, New Delhi.



- Ref: 1) Meeting of AITEEA leaders with management held on 26/07/2016 under Director (HR) in presence of GM (Estt) and GM (SR).
2) Note sheet number F.No.7-4/2010-SEA (pt-1) through which non-executives, promoted as JAOs after 07.05.2010 were given the option to choose revised scale from the date of promotion.
3) Honorable Supreme Court Judgment dated 01.05.1985 in P. Savita vs. Union of India
4) Appeal and Advisory to BSNL officers and Executives from Director (HR) through No. 101-01/2016-Pers-Policy dated 19/07/2016

Subject: Pay loss to post 2007 Direct Recruited JTOs/JAOs -Regarding.

Respected Madam;

With due regards, First of all, I would like to express my sincere thanks & deep regards to your esteemed self on behalf of "ALL INDIA TELECOM EXECUTIVE & ENGINEER'S ASSOCIATION" for providing us your valuable time to represent our pay loss issues & listening us so patiently. I am also thankful for your endeavor to the assurance of next meeting with GM (SEA) in the presence of your kind self. Before that meeting, I would like to submit some facts & findings in your Honourship.

Madam, JTOs Batches of 2007 & 2008 were recruited and appointed as JTO on pre-revised scale of 9850-14600/ (E1A) in year 2009 and 2010 (as 2007 and 2008 batch JTO). (January 2012 Salary Slip of a 2007 batch JTO is attached). Along with this, JTOs of 2005 batch were also appointed on this 9850-14600/ (E1A). Some JTOs of 2005 batch were appointed before 01.01.2007 and some were after 01.01.2007. Initial basic of JTOs of 2005, 2007 and 2008 batch was fixed at Rs.9850/. Please find this table which depicts the exact scenario.

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Different JTOs appointed after 01.01.2007	Actual Basic at the time of appointment	Basic at the time of appointment in revised scale retrospectively from 01.01.2007	Later, Basic at the time of appointment in revised scale retrospectively from 01.01.2007
JTOs of 2005 batch appointed on May 2006	Rs.9850/	Rs.22820/ (on 01.01.2007)	Rs.22820/ (on 01.01.2007)
JTOs of 2005 batch appointed on May 2007	Rs.9850/	Rs.16400/	Rs.22820/
JTOs of 2007 batch appointed on May 2009	Rs.9850/	Rs. 16400/	Rs.19020/
JTOs of 2008 batch appointed on May 2010	Rs.9850/	Rs. 16400/	Rs19020/

*At one time there was no difference in initial basic but suddenly 20% difference after revision.

JTOs of 2007 & 2008 batches were getting 50% DA merger (Known as DP) like pre revision appointed executives till revision (January 2012 Salary Slip of 2007 batch JTO is attached).

In effect, JTOs of 2007 and 2008 batches were similarly placed with JTOs of 2005 batch and difference in basic between 2005 batch and 2007 batch was only of 2 increments only. But suddenly after pay revision (retrospectively), this difference drastically jumped to 8 increments.

With reference to the above facts, following is submitted for your kind perusal:

(1) With reference to deliberation of Management with AITEEA leaders on 26.07.2016:

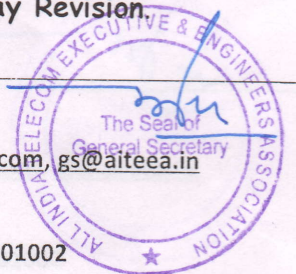
The 2nd PRC recommendation, concept of Entry Pay of 6th CPC & even 7th CPC gazette notification has intricately followed the notion that there is exactly a difference of ZERO rupees between pay fixation of employees appointed before and after Pay Revision.

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Madam, during deliberation, when AITEEA leaders said that **why the concept of minimum of FR 22 was not binding to CPSE (a board driven company)** and the concept of Entry pay in 6th CPC had already by passed the FR-22, It was **said by management that there should have been a concept of this Entry Pay in the 2nd PRC also to get more than the minimum of a scale.** Please find the explanation as below:

Every time minimum of revised pay scale is framed by keeping the quantum of DA and fitment to be merged and then the competent authority categorically mention it in the revision order that the post revision appointed employee will be placed at minimum of the revised scale. **In 2nd PRC order (not recommendation), DPE has given a provision of varying fitment. (i.e 10%, 20%, 30%). So a minimum of a scale can't accommodate itself for each fitment. So, nowhere DPE mentioned to fix only at minimum of the revised scale, which is specifically mentioned in each pay revision order (Even it is mentioned in the pay revision order issued by BSNL for Non- Executives at Para 2.2). DPE deliberately selected a scale whose minimum is fit for lesser amount of fitment (10 %), because for higher amount of fitment more than the minimum of a scale can be given to a new recruitee, but not possible to give less than the minimum of a scale if a scale corresponding to higher amount of fitment was selected by DPE for each CPSE. Pay revision order of NPCCL is attached, where they have revised the scale with 10 % fitment. In RTI reply from Appellate Authority/Joint Secretary the information asked is also written. Information asked is: If DPE has issued any guidelines with respect to 2nd PRC to appoint a direct recruited executive after 01.01.2007 on minimum of the revised scale only. The categorical reply is: Wage Cell, DPE has not issued guidelines for appointment of direct recruited executives in this regard.**

For central government, the scale of any post is changed through pay commission only. Thus pay commission is aware about the change and formulate everything. But in case CPSEs, take the case of BSNL itself, JTO post had E1A pay scale before revision, through JTO RR 2015 it has been made E1 and sent to DOT for the replacement of E1A by E2 etc. Even NHPC were recruiting ETs at E1 before 2nd PRC but gave the E2 after 2nd PRC. **Thus for PRC and DPE, it is not possible to frame the concept of Entry pay for CPSEs. (Even DOT in its reply has said that they have no role in pay fixation)**

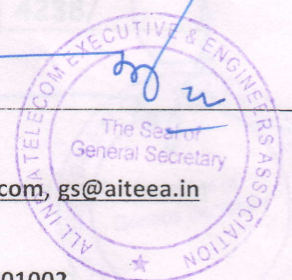
With reference to Note sheet, F.No.7-4/2010-SEA (pt-1) through which non-executives, promoted as JAOs after 07.05.2010 were given the option to choose revised scale from the date of promotion.

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As, it is precisely written in point 6 that recommendation is made due to the points mentioned in 5 (a) to 5 (f) of the above mentioned note sheet, Please find and compare the same points for JTOs of 2007 & 8 batches and direct recruited JAOs.

- This point says that Rs.9850/ of (9850-14500) after fitment goes to Rs. 22820/ in the revised scale of 16400-40500/. Management is considering 9850/ for those non executives who had nothing to do with this 9850/, because of being promoted as executive after 07.05.2010, but ignoring this 9850/ for those who worked till January 2012 on this 9850-14600/, since their appointment in year 2009 and 2010.
- This point states that after clarification dated 18/05/2011, the pay of such JAOs has been reduced by Rs.2600/ & surprisingly Management has viewed it as a loss which has arisen out due to wrong & non-genuine fixation and order has already been issued vide order No.1-37/2010-PAT (BSNL) dated 18/05/2011 after examining by the finance wing. This order denied the option to those who were promoted after 07/05/2010 & order for recovery by Orissa circle after Honorable CAT, Cuttack judgment has also been issued. But for JTO batches of 2007 & 2008, whose basic was genuinely fixed in pre-revised, Management is ignoring the loss of Rs. 4238/ after pay revision.
- *DA on 01.01.2006 was 258.6 % in pre revised scale
-

Initial Basic on January 2010	Basic After 6 increment on January 2016	DA on January 2016	Effective DA in pre revised scale on January 2016	Effective Basic on January 2016	DA on January 2016	Salary (Basic+ DA) on January 2016
9850/ In pre revised	9850+1500 (250x6)= 11350/	258.6 %	258.6-50= 208.6%	11350x1.5= 17025/	35515/	52540/
19020/ in revised	22720/	112.4%	112.4%	22720/	25537/	48257/
Loss with respect to pre revised on January 2016						52540/ - 48257/ = 4238/

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- e) In this point committee observed that there has been no such restriction of any date either in 2nd PRC for Executive dated 05/03/2009 and clarification dated 31/03/2010 or in the recommendation of wage revision committee for non-executives. The same is being said by us that there is no such restriction because nowhere written the word minimum in any of the pay revision order for executives, issued by DPE, DOT or even BSNL. But in our case the excuse of FR 22 is being given. But if FR is any parameter then through same FR 22, this option to choose revised pay scale from date of promotion, can't be given to those who have been promoted after date of notification of revised scale, which is 07.05.2010 in present case. 07.05.2010 has same value for these non-executives which 01.01.2007 has for us.
- f) In this point it has been said that this one time dispensation has been given to another set of employees who were promoted to the grade of Assistant Manager and joined after 07.05.2010. Means the counting of one time has increased further one.

3) With reference to Honorable Supreme Court Judgment dated 01.05.1985 in P. Savita, vs. Union of India:

On page 5 of this judgment, it is written crystal clear: "That is, for the same work and same functions, the appellants would get less pay than the other group of Senior Draughts men. The explanation is that this division is based on seniority. This cannot be accepted as sufficient to meet the requirements of law. By seniority, a Senior Draughtsman will get higher pay with the increments that he earns proportionate to the number of years he is in service." Here Honorable Supreme Court didn't enquire that whether one section were appointed before any pay revision and other section after that pay revision. But in our case, difference in increments between JTOs of 2005 batch and JTOs of 2007 batch is 8; despite the difference in number of years are only 2. (One thing is noticeable that before revision this difference was really of 2 increments only.)

There is another crystal clear guidelines and law laid down by Honorable Supreme Court in several judgments available in public domain. Extracts from One of very popular Judgment pertinent to our case is: "Classification permissible under Article 14 must satisfy two conditions, namely, (i) it must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group, and (ii) the differentia must have a rational relation to the object sought to be achieved by the measure in question". Is there any intelligible differentia between JTOs of 2007/8 batch and JTO of 2005 batch which has a rational relation?

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4) With reference to Appeal and Advisory to BSNL officer/ Executives from Honorable Madam, Director (HR):

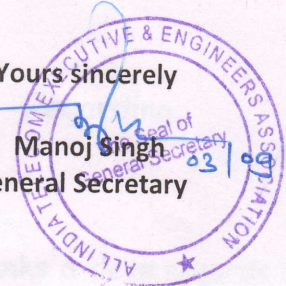
Madam, through this appeal it has aptly been said by your esteemed self that a lot of energy is wasted in court cases on both the sides. AITEEA too agrees & highly appreciates your this point of view and ensures that it will always go for representation & dialogues with the top Management for amicable resolution of our issues.

In effect, in the light of above facts arising out from the report of committee of SEA section on mentioned note sheet, precise observation of 2nd PRC recommendation, concept of Entry Pay of 6th CPC & even 7th CPC gazette notification and crystal clear Judgment of Honorable Supreme Court, your honor is requested to resolve this issue at the earliest please.

With Deep Regards,

Yours sincerely

Manoj Singh
General Secretary



Enc: As above.

Copy to : 1. GM (Estb) for necessary action please.
2. GM (SR) for information please.

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