



**ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
EXECUTIVES' ASSOCIATION
CENTRAL HEADQUARTERS
NEW DELHI**

President
P. VENUGOPAL
Ph. 9868283969 (M)

Financial Secretary
B. RAVINDRANATH
Ph. 9868101880 (M)

General Secretary
PRAHLAD RAI
Ph. 09868278222 (M)

No. AIBSNLEA/CHQ/CMD/2012-13

Dated:19.07.2012

To:

**Shri R K Upadhyay
Chairman-cum-Managing Director
BSNL, New Delhi.**

Sub: Personal hearing granted by your good-self to the representatives of Applicants in OA No. 142/2011 – submission of disagreement for further consideration before reviewing the impugned order at Annexure A-18 and its consequent orders as directed by Hon'ble CAT, Ernakulam Bench in OA 142 of 2011

Ref: Speaking Order No. 15-07/2011-Pers.II dated 03rd July 2012

Respected Sir,

This is with reference to the speaking order issued by the Sr. GM(Pers), BSNL, CO vide letter No. 15-07/2011-Pers.II dated 3rd July, 2012 on the basis of personal hearing held on 15.05.2012 with the representatives of the Applicants in OA No. 142/2011 in compliance to the directions issued by the Hon'ble CAT, Ernakulam Bench and the representation dated 14.03.2012. Though the letter is captioned as "SPEAKING ORDER", the letter does not contain any orders to be implemented by the CGMT, Kerala to mitigate the grievances of the applicants. We wish to bring the following points to your kind notice for your consideration and incorporation in the Speaking Order:

- i. The most important point in the OA as well as in the Representation & Personal Hearing is the date **01.01.2004** on which date the restructuring was implemented in the cadre of stenographers and the Applicants were made PAs in Executive Grade. This date was not given any importance while considering the representation and deliberations in personal hearing. Instead, in Page No. 2 of the speaking order, against issue raised vide 3 (iii) it was stated that "Option facility to the Applicants in OA 142/2011 cannot be granted up to **31.12.2003** as they were holding substantive grade of non-executive prior to 1.1.2004". There is no dispute regarding the non-executive status of Grade II Stenos prior to 1.1.2004 i.e., up to 31.12.2003. The request was for granting option to those PAs who were made Executives with effect from **1.1.2004**, but this point is not finding any place in the speaking order.

- II. Even the clarification that **“.....whereas PAs who has opted for ACP Scheme during the period 1.1.2004 to 30.09.2004, it would be treated as their 1st time bound scale upgradation and subsequent upgradation would be considered after 5 years”** issued vide Para No. 7 of BSNL Corporate Office letter F No.15-07/2011-Pers.II dated 07.07.2011 was not at all considered. As per para 1(I)(d)(7) of EPP, **“any upgradation due to the Executive on or before 01.10.2004 based on earlier time bound policies, such upgradation will be granted to the executives on the basis of option”**. There were no stipulations in the EPP that the officer working in the Executive cadre as on 01.10.2004 should have been in the substantive grade of Executive as on 01.10.2000 for getting the benefit of Para 1(I)(d)(7). By granting of residency period to the Stenographers Grade I & II w.e.f. 01.10.2000 as per order No. 400-61/2004-Pers.I(pt.I) dated 23.08.2011, the issue needs to be treated as settled.
- III. While considering the request for protection of pay scale already granted to Applicants No. 46 to 60 by virtue of financial upgradation under ACP Scheme between 01.10.2004 to 30.09.2006, the assurance given by BSNL Corporate office vide Order No. BSNL/26/ST/2002 dated 07.08.2002 [Clause 9 (a) under General] was not taken into consideration. Similarly the general precedence that is being followed by Central/State Govt/PSUs that while implementing a new promotion policy there must not be any loss or recovery to the concerned employees was also not taken into consideration by the competent authority. The pay scale & basic pay of the concerned employees must not be reduced by virtue of implementation of a new promotion policy. This core grievance was not addressed through the speaking order.
- IV. In Page No. 4 against Para 4 (ii), it was agreed that restructuring in the cadre of stenographers of BSNL field units is not be treated as promotion. As such, the revised restructured IDA pay scale (11875-17275) granted to Applicants No. 2 to 45 as on 01.01.2004 is also not be treated as promotion, but only as replacement scale in revised IDA pay scale. This replaced scale was given with effect from 01.01.2004 i.e. much before the implementation of EPP. There is no provision in the EPP that replacement scale granted by virtue of restructuring (without granting any promotion under any scheme like ACP/BCR/OTBP/In-Situ, etc.) to any executive cadre prior to 01.10.2004 should be withdrawn on implementation of EPP. Hence it is the bounden duty of the Management to retain and protect the revised, restructured, replacement IDA pay scale granted to Applicants No. 2 to 45 without asking for any option.
- V. From the speaking order it is seen that the Management has no objection in granting the pay scale of Rs.11875-17275 to stenographers (non-Executive) who have completed 24 years of service as on 01.01.2004 as his/her revised restructured replacement scale. Steno is the feeder cadre of PA. But PAs who have completed more than 24 years of service in the Steno Cadre and who were also placed in the pay scale of Rs.11875-17275 as on 01.01.2004 were brought down to the scale of Rs.9850-14600 due to the implementation of EPP. This is grave discrimination and against all natural justice.
- VI. Applicants 2 to 45 are not requesting for any benefit that is applicable to executives up to 31.12.2003. Their request is only to allow them to opt the pay scale granted to them on 01.01.2004 as revised restructured replacement scale for ACP holders [which is available up to 01.10.2004 as per EPP] for the service rendered by them for more than 24 years in the non-executive cadre. Purpose of implementing a new promotion policy is to give some benefit to the cadre and not for lowering and reducing the pay scale of the Applicants than that of their feeder cadre of Steno. This aspect may also be considered by the competent authority.

VII. Steno Grade III and Steno Grade I/II were non-executives up to 31.12.2003. The Grade III and Grade I/II stenographers, who had completed 24 years regular service in the cadre got 2nd financial upgradation with effect from 09.08.1999. On restructuring the cadre of Stenographers with effect from 01.01.2004, some of the Applicants were upgraded to the merged cadre of PA and placed in the Executive Grade. Those Stenographers who got 2nd ACP from 09.08.1999 to 31.12.2003 were permitted to draw the revised restructured replacement scale of Rs.11875-17275 with effect from 01.01.2004 whereas those Grade I / II Stenographers who were made PAs in the Executive Grade with effect from 01.01.2004

VIII.
IX. and had already got 2nd financial upgradation w.e.f. 09.08.1999 and placed in the revised restructured replacement scale of 11875-17275 were brought down to the pay scale of 9850-14600 on implementation of EPP. This is unconstitutional, illogical, discriminatory and against natural justice.

A detailed note is enclosed herewith with a request to reconsider the issues so that the grievances can be settled once for all. Due to the non-settlement of the issue, pension benefits of so many retired PSs/PAs are withheld for years resulting in huge loss of interest. Also they are in great difficulty to meet the expenditure for their family obligations like higher education / marriages of their kith & kin, completion of the construction of their home, etc., etc.

It is also requested that CGMT, Kerala Circle may kindly be instructed to keep in abeyance further action in view of the Speaking Order referred to above till a final decision is taken by the competent authority in respect of the points mentioned above as well as in the detailed note enclosed.

With kind regards

Yours faithfully,
-sd-
(PRAHLAD RAI)
GENERAL SECRETARY

Copy to:

1. Shri A.N. Rai, Director (EB/HR), BSNL , New Delhi-110001
2. Shri A.K. Jain, Sr. GM(Pers.), BSNL CO, New Delhi-110001