

**ALL INDIA  
BHARAT SANCHAR NIGAM LIMITED  
EXECUTIVES' ASSOCIATION**



**Central Headquarters  
New Delhi-110001**

**President  
P. Venugopal**

Mob:09443200177  
E-mail:presidentaibsnlea@gmail.com

**General Secretary  
Prahlad Rai**

Mob:09868278222  
E-mail:gsaibsnlea@gmail.com

**Financial Secretary  
T.C.Jain**

Mob:09868188748  
E-mail:tcjain\_1957@yahoo.co.in

No. AIBSNLEA/CHQ/Dir(HR)/2014

Dated : 27-08-2014

To

**The Director (HR),  
BSNL Board,  
New Delhi – 110 001.**

**Subject:** Retention of admissible Pay fixation taking AAO pay scale of Rs. 7450-225-11500 (upgraded pay scale as on 01-01-1996) for those who were promoted as AOs after 01-01-1995 but before 01-01-1996 and exercised option to re-fix their pay in the AO post after accrual of next increment in the AAO post on or after 01-01-1996 and consequential release of withheld Leave encashment of retired officers- Regarding

**Reference:** 1. My letter No. AIBSNLEA/CHQ/Dir(HR)/2013 dated 18-12-2013.  
2. AGM (SEA), BSNL C.O., ND- Lr. No. 4-8/2013-SEA dated 31-12-2013  
3. AGM( P-V), BSNL C.O., ND- U.O.No. 2-4/2012-PAT(BSNL) dt 21-1-14.

**Respected Sir,**

Your Kind attention is invited to this Association letter dated 18-12-2013 cited under reference No.1 (Copy enclosed for ready reference). It was requested to issue necessary instructions to the concerned units to retain the pay fixation done taking AAO pay scale of Rs. 7450-225-11500 (upgraded pay scale as on 01-01-1996) for those who were promoted as AOs after 01-01-1995 but before 01-01-1996 and exercised option to re-fix their pay in the AO post after accrual of next increment in the AAO post on or after 01-01-1996 which is admissible as per the rules on this subject.

All the representations received by SEA Branch have been referred to PAT section of BSNL C.O by SEA section of BSNL C.O. vide letter cited under reference No. 2 (Copy enclosed) without any comments of SEA section / remarks admitting the errors & omissions committed in the letter No. 14-3/2013-SEA-BSNL dated 14-02-2013 issued by the SEA section and these representations were returned back to SEA section by the PAT section vide its U.O. No. cited under reference No.3 stating that the SEA branch, being cadre controlling authority and the one which has implemented the upgraded pay scales in BSNL, is empowered to take further action in this regard. Ultimately, required instructions have not yet been issued to circles except the issuance of certain directions to Chennai Telephone district vide Letter No. 9-2/2014-SEA dated 15-04-2014 (Copy enclosed) stating that the clarification given to J&K circle vide letter No. 14-3/2010-SEA-BSNL dated 14-02-2013 is meant only for J&K circle in their specific context and cannot be generalized to all the circles. Due to

non issue of necessary clarifications on this matter, many of our association members including those officers who have retired from service have been severely affected.

It is reiterated that the AAO pay scale of Rs.7450-225-11500 is applicable to those AAOs who have been promoted to the post of AOs after 1-1-1995 but before 01-01-1996, if they have given option within permissible time, to fix their pay in the AO post after accrual of increment in the AAO post on or after 01-01-1996 as narrated below:

1. Upgraded Pay scales of AAO post (ie. Rs.7450-225-11500) which is effective from 01-01-1996 has been communicated through the below detailed O.Ms of concerned Ministry and Dept. and finally endorsed by SEA section of BSNL.
  - (a). O.M. No.6/82/E.III(B)/91 dated 28-02-2003 of Govt. of India, Ministry of Finance & Company Affairs, Dept. of Expenditure.
  - (b). Endt. No. 1-1(1)/2003-PAT dated 11-03-2003 of Govt. of India, Ministry of Communications I.T., Deptt. of Telecommunications (Circular No. 117)
  - (c). O.M. No. 4-20/2003-SEA dated 01-04-2003 of BSNL, SEA Branch.
  - (d). Endt. No. 1-10/2003-PAT(BSNL) dated 14-05-2003.

In the above said communications of 1(a) to 1(d), it has been mentioned that the pay scales of certain categories of Posts only have been revised and no where it has been mentioned that the upgraded pay scale of Rs. 7450-225-11500 is applicable only to those officers who are working as AAOs as on 01-01-1996. Further, it has also been mentioned in the O.M. of SEA branch of BSNL that the pay scale is applicable to AAOs working in BSNL to have clarity to clear the doubt whether the AAOs working in BSNL on deemed deputation from DOT on the date of issue of these orders are eligible for this upgraded scale.

2. For all the pay scales revised from 01-01-1996, the provisions of G.I., Dept. of Per. & Trg., O.M. No. 1/12/97-Estt. (Pay – I), dated 23-04-1999 as amended by O.M. of even number, dated 10-08-1999 will apply. Accordingly, the Pay scale of Rs.7450-225-11500 of AAOs will be applicable for fixation of pay for those AAOs who have been promoted to the Post of AO after 01-01-1995 but before 01-01-1996, if they have given option to fix their pay in the promoted post after getting next in the lower post on or after 01-01-1996. Hence, Contents of the letter No. 14-3/2013-SEA-BSNL dated 14-02-2013 issued by SEA Branch of BSNL C.O. is having certain omissions and hence it is not correct.

As suitable clarification has not been received from BSNL C.O for the representations before the ultimatum given by the Circle IFA for reduction of pay and recovery of huge sum of purported overpayment, the affected officers of Chennai telephones have no other way than to redress their

grievances in the Hon'ble Central Administrative Tribunal – Chennai Branch through the O.A. No. 1709, 1711,1712, 1713 and 1714/2013. The CAT also, after hearing the arguments of both applicants and respondents, has given a verdict on 09-07-2014 (copy enclosed) stating that the applicants are entitled for the Pay scale of Rs.7450-225-11500 and totally quashed the orders, revising the pay of the applicants downwardly and purported recovery of overpayment, issued by the Chennai Telephone District. **It is requested that at least in the light of the above said orders and verdict, necessary administrative instructions may kindly be caused to be issued to all the circles and administrative units.**

In accordance with the Para – 3 under Rule 39 of CCS Leave Rules, **whole** or part of the Leave encashment can be with held only in case of the official is under suspension or disciplinary or criminal proceeding is pending against him. But the huge sum of leave encashment equivalent to the purported overpayment has been with held in respect 3 retired officials by obtaining a wrong legal opinion, even though they are not under suspension or no disciplinary/ criminal proceeding is pending against them. Hon'ble CAT – Chennai has also passed an order to release the with held leave encashment within 8 weeks of the judgment. **Hence, it is also requested to issue suitable instructions to Chennai Telephone District to release the withheld leave encashment to those pensioners immediately.**

With kind regards,

**Yours Sincerely,**  
-sd-  
**(Prahlad Rai)**  
**General Secretary,**

**Encl : As above**

**Copy to:**

- The Director (Finance), BSNL Board, New Delhi.
- The E.D (Finance), BSNL CO, New Delhi.
- The G.M (FP), BSNL CO, New Delhi.
- The G.M (Estt.), BSNL CO, New Delhi