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No. AIBSNLEA/CHQ/Dir (HR)/2017

Dated 15.11.2017

To,

Mrs. Sujata Ray,
Director (HR), BSNL Board,
New Delhi-110001

Subject: Pay protection, service protection of Erstwhile officiating JTOS during officiating period and Pay protection of other JTOs during their O-JTO Period in the light of Hon'ble Kerala high court judgment.

Reference: WP(C) NO-7723/2010 and 13 connected cases Judgment from Hon'ble high court Kerala.

Respected Madam,

On the subject and reference cited above, we submit the following points for your kind consideration attention and favorable action please.

For Officiating JTOs at the time of pay fixation, it was done on FR 22-1(a)-1 in Rs 9850-250-14600 Scale. They had completed up-to 11 Years service continuously. After that they become regularized as per JTO RR 2014 (Annexure-1). As per schedule-II of this RR officiating JTOs sent for to Phase-1 training. As per corporate office order dated 22/12/2015 (Annexure-2), the officiating JTOs are reverted and sent for JTO Phase-1 training. Actually, it is the violation of RR 2014 Schedule-II. After completion of training, pay fixation done from substantive to JTO Cadre without considering the 11 years service rendered in JTO Cadre (Annexure-3). Pay fixation clarification of MP Circle, Bhopal Dated 29/12/2008 and DOT letter No-1-4(36)/98-PAT dated 21/12/1998 are attached (Annexure-4) for reference.

In this regard following court directions for FR 22-1(a)-1 pay protection are available:

1. Honble Principal Cat Direction in OA 1282/2010 dtd 26/08/2010 [Annexure-5\(1\)](#)
2. Pricipal CAT Review application NO/ 125/2011 dtd 05/11/2011 [Annexure-5\(2\)](#)
3. WP(C) 243/2012 Of Honble high court New Delhi [Annexure- 5\(3\)](#)
4. Honble Supreme court SLP 4583/2012 dtd 13/01/2012 [Annexure-5\(4\)](#)
5. Eranakulam High court Judgment in WP(C) 7723/2010 and 13 connected cases Judgment dated 15/09/1017 [Annexure-5\(5\)](#).

As per the above Judgments, FR 22-1(a)-1 is accepted by all the level of courts favorable to officiating JTOS. An important judgment from Kerala High court through WP(C) 20321 and 5 connected cases of 27/11/2012 directed that one day break in officiating period is only Artificial break is marked in (Annexure 6) .

With the above supporting documents, we once again request you to kindly consider protecting the officiating pay and services according FR 22-1(a)-1 Rule.

Encl: copies of Annexes

With kind regards,

Yours sincerely,
-sd-
(Prahlad Rai)
General Secretary