



# ALL INDIA BSNL DOT PENSIONERS ASSOCIATION

[Registered No. S/68836/2010]

## Central Head Quarters

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AIBDPA/IDA-DPE/2020

29<sup>th</sup> December, 2020

To,

**Shri Prakash Javadekar**

**Hon'ble Minister for Heavy Industries and Public Enterprises**

**Public Enterprises Bhawan,**

**Block No.14, CGO Complex,**

**Lodhi Road, New Delhi-110 003**

Respected Sir,

Sub: - **Payment of 5.5% IDA due from 01-10-2020 to IDA Pensioners- request for issuing orders-reminder thereof-reg.**

Ref: - **(1) DPE No.W-02/0039/2017-DPE (WC) GL XVI/20 dated 19-11-2020.**

**(2) This Association letter No. AIBDPA/IDA-DPE/2020 dated 21-11-2020**

We are compelled to approach your good self once again as there has been no positive development on the issue brought to your notice vide our letter referred (2) above. (copy enclosed for ready reference).

Now, we have the privilege to enclose herewith a copy of the judgment by the Hon'ble High Court of Kerala for your kind perusal and early necessary action.

Two writ petitions were filed in the High Court of Kerala, the first one by FACT Employees Association along with one employee of FACT and one retiree of FACT and the second one by FACT Workers Organisation. Both the writ petitions challenged the Circular issued by the FACT management in pursuance of the DPE order cited (1) above. The petitioners prayer was to quash the circular issued by the FACT management freezing the IDA due from 01-10-2020, 01-01-2021 and 01-04-2021 to the workers also, whereas in the DPE order para 3 clearly states that the applicability is only for the Executives and Non- Unionised Supervisors of the CPSEs.

When the case was taken up, Assistant Solicitor General appearing for the government sought time to get instructions from the government and the case was adjourned. Subsequently, on 11-12-2020 the Assistant Solicitor General, under instructions, submitted that the guidelines in the DPE order dated 19-11-2020 has application only in the case of Executives and Non- Unionised Supervisors of Central Public Sector Enterprises and it has no application insofar as workmen in those enterprises are concerned. Accordingly, the Hon'ble High Court of Kerala pronounced the judgment on 17-12-2020 setting aside the relevant portion of the circular of FACT management making applicable to persons other than Executives and Non- Unionised Supervisors, resulting in consequential monetary benefits to other category of employees including workers.

Sir, the above judgment fully vindicates our submission that the BSNL pensioners are not covered in the DPE order under reference and the government cannot withhold the IDA due from 01-10-2020.

Hence it is requested that necessary action may please be caused to issue the orders by DPE for payment of IDA due from 01-10-2020 to BSNL pensioners without further delay.

A line in reply shall be much obliged.

With kind regards,

*Yours sincerely,*

**K G Jayaraj**

**General Secretary.**

Encl: As above.

Copy to: (1) Shri. Sasheel, Secretary, Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi-110003

(2) Shri. P K Saha, Director, Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi.110003.