

## IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE A.M.BADAR

Friday, the 26<sup>th</sup> day of February 2021/7<sup>th</sup> Phalguna, 1942WP(C) No.5131/2021 NPETITIONER

ALL INDIA BSNL-DOT PENSIONERS ASSOCIATION  
(REGD.NO. S/68836/2010) CHQ, DADA GHOSH BHAVAN,  
NEW PATEL NAGAR, NEW DELHI - 1100088,  
REPRESENTED BY ITS GENERAL SECRETARY, K.G. JAYARAJ,  
AGED 75 YEARS, S/O. GOPALAN, CHEMMUKATHU HOUSE, XXI/723,  
ASRAMAM WARD, ALAPPUZHA - 688006.

RESPONDENTS

1. UNION OF INDIA  
REPRESENTED BY THE SECRETARY,  
MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES,  
NEW DELHI - 110003.
2. THE DIRECTOR  
DEPARTMENT OF PUBLIC ENTERPRIZES, PUBLIC ENTERPRISES  
BHAVAN, MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES,  
BLOCK NO. 14, C.C.O COMPLEX, LODHI ROAD, NEW DELHI - 110003.
3. DEPARTMENT OF TELECOMMUNICATIONS(DOT)  
REPRESENTED BY ITS SECRETARY, MINISTRY OF  
TELECOMMUNICATIONS, GOVERNMENT OF INDIA, 20, ASOKA ROAD,  
NEW DELHI - 110001.
4. THE CONTROLLER OF COMMUNICATIONS ACCOUNTS,  
MINISTRY OF COMMUNICATIONS,  
OFFICE OF THE GENERAL MANAGER, TELECOM, KERALA CIRCLE,  
THIRUVANANTHAPURAM - 695033.

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 2nd respondent to issue necessary guidelines to DOT to release the freezed IDR of BSNL pensioners pending disposal of this writ petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI. V.V.SURESH, Advocate for the petitioner and of STANDING COUNSEL for Respondents, the court passed the following

A.M.BADAR, J.

WP(C) No.5131 of 2021

Dated this the 26<sup>th</sup> day of February 2021ORDER

Heard.

Learned Counsel for the petitioner submits that the members of the petitioner are governed by the Industrial Dispute Act and they are not falling under the category "Executives and Non Unionized Supervisors".

Learned Standing Counsel takes notice for all respondents and seeks time.

Post after six weeks.

In the meanwhile, by way of an interim order, it is clarified that the communication Ext.P2 is applicable to the Executives and Non Unionized Supervisors of the CPSEs drawing 2017, 2007, 1997, 1992 & 1987 IDA pay scales. If the members of the petitioner-union are not falling under this category, respondents shall not deny benefit of Dearness Allowance to them.

Sd/-  
A.M.BADAR, JUDGE

/true copy/

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ASSISTANT REGISTRAR

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