



ALL INDIA BSNL DOT PENSIONERS ASSOCIATION

[Registered No. S/68836/2010]

Central Head Quarters

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AIBDPA/ DOT/ Anomaly/ 2021

28th October, 2021

To,

**Shri K. Rajaraman,
Secretary, Telecom,
Department of Telecommunications,
Sanchar Bhawan,
20, Asoka Road
New Delhi – 110 001**

Sir,

Sub: - **Settlement of a long pending case of anomaly due to point to point fixation to BSNL absorbed retirees- request for intervention - req.**

All India BSNL DOT Pensioners Association was formed in 2009 at the initiative of BSNL Employees Union, the then only recognised union. During the past 12 years, AIBDPA has grown as the biggest organisation of BSNL and DoT Pensioners.

On behalf of AIBDPA, may we take this opportunity to extend a warm welcome to your good self for taking over the coveted post of Secretary, Department of Telecommunications and wish you all success in the new venture.

Sir, we are thankful to you for issuing the orders in settlement of anomaly in Pension to those retired within ten months of formation of BSNL vide No. 38-16/2014 - Pen(T) dated 07-10-2021, immediately after assuming charge.

We are constrained to bring to your kind notice another anomaly occurred at the same period which remains still unsettled.

This anomaly of senior officials drawing less pay than juniors was caused due to the point to point fixation during the first pay revision in BSNL with effect from 01-10-2000, converting CDA pay scales to IDA pay scales. This anomaly was to be settled by stepping up of the pay of the seniors at par with the juniors.

In this connection, it is worth mentioning here that there was a provision in the wage agreement in 2002 reached between the Unions and BSNL management and the orders thereof for settlement of anomalies/ aberrations which is reproduced below;

Agreement dated 26th April 2002. Para 2 (5) - "The Management agrees to settle sympathetically anomalies, aberrations, other hardships and difficulties, which may arise in the pay fixation after these are pointed out." This was also reiterated in the order issued vide BSNL/26/SR/2002 dated 7.8.2002.

Though the issue was taken up then and there by the BSNL Employees Union and other serving unions, it was dragged unjustifiably for years together. After AIBDPA's formation, we also took up the issue and pursued vigorously. Finally, BSNL agreed to the proposal and sought approval of DoT.

Meanwhile, some of the affected pensioners approached Central Administrative Tribunal, Madras Bench in 2011. The Hon'ble CAT allowed the Application of Shri V.Krishnan & Others vide Order dated 6th November,2013. The relevant portion of the order is reproduced below for ready reference please;

" Having regard to the law and conditions to which stepping up of pay ought to be done set out in paras 10,8 and 9 above, the Respondents are directed to re-examine the method of fixation of pay itself in switch over from CDA to IDA scale of pay, so that no pay anomalies arise and then to refix the pay etc.in all similar cases including that of the Applicants or that the aberrations are taken care of by stepping up of pay of the seniors at par with the juniors, with payment of arrears being restricted to a period of three years prior to the date of filing of this this OA, as held by the Hon'ble Supreme Court in the case of UOI & Ors vs Tarsem Singh in CA Nos.5151 & 5152 of 2008 on 13-08-2008."

The order of the Hon'ble CAT, Madras was challenged by BSNL in the High Court of Madras and got the appeal in BSNL's favour. Thereafter, the Applicants filed a civil appeal in the Supreme Court and the Hon'ble Supreme Court in CA No.5795 of 2017 issued the following order on 01-05-2017.

"We are of the view that the Central Administrative Tribunal rightly allowed the claim of the applicant which has been interfered by the High Court without any valid basis. Accordingly, we allow the appeal and set aside the order passed by the High Court and restore the order passed by the Central Administrative Tribunal. Pending applications, if any, shall also stand disposed of."

But to the dismay of the affected pensioners, the implementation of the order was limited only to the Applicants of CAT case despite the fact that the intention of Hon'ble CAT was to extend the benefit to all the affected pensioners and the order clearly stated " in all similar cases including that of the Applicants."

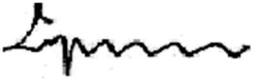
The Hon'ble Supreme Court also mentioned about the applicability to all the pending applications. Unfortunately, despite repeated persuasions, DoT has not approved the case till date.

Now, the Anomaly in respect of BSNL absorbed pensioners retired within ten months of formation of BSNL having been settled, the other section of affected BSNL Pensioners naturally feel that they are discriminated. Some of the affected pensioners have already expired and the remaining few hundreds are eagerly waiting for justice at the fag end of their life.

In view of the foregoing, we fervently request your good self to kindly cause necessary action for issuing the orders on settlement of the anomaly caused due to the point to point fixation to the BSNL absorbed pensioners on the basis of the Court Orders and proposal of BSNL.

With kind regards,

Yours sincerely,



K G Jayaraj
General Secretary

Encl: Relevant portion of the orders of CAT and Supreme Court.

Copy to: (1) Shri P.K. Sinha, Member (Finance), Department of Telecommunications, Sanchar Bhawan, New Delhi.110001.
(2) Shri S K Jain, DDG (Estt.), Department of Telecommunications, Sanchar Bhawan, New Delhi – 110 001
(3) Shri Sanjay Agrawal, Director (Estt. 2 - Pension) Department of Telecommunications, Sanchar Bhawan,
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