



# All India Graduate Engineers & Telecom Officers Association

## Central Headquarter, New Delhi

( The Recognised Representative Association of BSNL )

President  
**Ravi Shil Verma**  
8373967633

General Secretary  
**Md. Wasi Ahmad**  
9431200347

Finance Secretary  
**Yogendra Jharwal**  
9414000877

All communication at E-mail - "chqaigetoa@gmail.com" only

GS/AIGETOA/2020/116

Dated 14.10.2020

To,

Shri Arvind Vadnerker Ji,  
Director (HR), BSNL Board,  
BSNL Corporate Office, New Delhi

**Subject: Consideration and resolution of the Pay Loss Issue faced by the executives recruited in JTO/JAO Grade in pre-revised E1A Scale (9850-250-14600) after 01.01.2007 by extending them initial basic of 22820 - Our submission thereof, as per discussion held in the Formal Agenda Meeting with Recognized Representative Association i.e. AIGETOA on 15-09-2020.**

Reference: Minutes of meeting issued by SR Cell, BSNL CO New Delhi for the meeting held on 15/09/2020.

**Respected Sir,**

This is in reference with the pay loss issues faced by the executives recruited in JTO/JAO Grade in E1A Scale (9850-250-14600) in BSNL at different point of times after 01.01.2007. The matter of pay loss was discussed in length in the recently held Formal Agenda Meeting of the recognized representative association, AIGETOA with the management under your esteemed chairmanship on 15-09-2020 and it was agreed that the issue will be represented afresh by the association to get it examine by formation of the committee on the subject in the light of new details and existing loss. In this regard we would like to submit following facts for your kind consideration to form a committee to examine the case and extend the due benefits to compensate their recurring loss:

### **CASE DETAILS:**

The JTOs of 2007, 2008 have been recruited through JTO RR 2001 and The JAOs of 2010 batch were recruited through JAO RR 2001. The basic pay of these JTOs and JAOs in the RRs was 9850-250-14600(i.e. pre revised E1A) and recruitment was notified in this scale with a mention that scales are likely to be revised upwards as per the recommendations of 2nd PRC. Accordingly, the JTOs of 2007 and 2008 batch and JAOs of 2010 batch joined with a notion that their pay and perks are going to be further increased with implementation of 2nd PRC in BSNL.

Post implementation of 2nd PRC, uniform fitment benefit @ 30%, on basic pay + DA @ 78.2 % was provided to all executives in BSNL. The executives of the aforesaid batches continued to work in Pre-revised Scales of 9850-250-14600(E1A) till January 2012 and were drawing the benefit of 50% DA merger also (Copy of the Pay Slips of some executives attached herewith as annexure-I). Thereafter the Pay scales of these executives were revised in provisional revised scales of E1 at minimum of 16,400/-. This resulted in a huge pay loss for all these executives just by virtue of implementation of 2<sup>nd</sup> PRC.

BSNL vide its office order dated 03.01.2012 approved the proposal of five advance increments on the minimum of the revised pay scale of Rs.16400-40500 (E-1 Scale) be given to directly recruited JTOs of 2007 and 2008 batch and JAOs in respect of whom result declared in April 2010 on the date of their joining the service. They all were placed on the revised scale of Rs.16400-40500 on provisional basis and were extended an initial basic of Rs.19020 retrospectively from the date of their appointment i.e.

May-2009 as an interim measure to compensate the initial loss. This minimized the loss to some extent but still there were anomalies/aberration on wages of JTO Cadre appointed after 01.01.2007 which will be very much evident from the table of wages along with old scale and new scale and other differences between pre-revised and revised basic of pay as mentioned in the annexure-II.

Thereafter, BSNL vide its letter dated 24.07.2015 (Copy enclosed as Annexure-III) allowed option of revision of pay from the date of promotion to the grade of JAO as one time dispensation with a condition that no arrears will be paid and effect of actual pay revision will be prospective i.e. from the date of issue of the letter. After perusal of the note sheet obtained through RTI (Copy of the note-sheet is attached as annexure-IV), it is evident that BSNL has considered the following points while extending the benefit:

- I. ***That Rs.9850/- of (9850-14500 i.e. pre revised E1A) after fitment goes to Rs. 22820/- in the revised scale of 16400-40500.***
- II. ***That after clarification dated 18/05/2011, the pay of such JAOs got reduced by Rs.2600/-.***
- III. ***That there has been no such restriction of any date either in 2<sup>nd</sup> PRC for Executive dated 05/03/2009 and clarification dated 31/03/2010 or in the recommendation of wage revision committee for non-executives.***
- IV. ***That one time dispensation has been given to another set of employee who were promoted to the grade of Assistant Manager and joined after 07.05.2010.***

On comparing the above dispensations with the similarly placed BSNL Recruited JTOs of 2007 & 2008 batches and direct recruited 2010 batch JAOs who were recruited, appointed and worked on this pre revised scale of 9850-14600 (i.e. pre revised E1A) till January 2012, the following is submitted:

- a) The point says that Rs.9850/- of (9850-14500) after fitment goes to Rs. 22820/- in the revised scale of 16400-40500. If Management is considering 9850/- for those employee who were promoted as executive after 07.05.2010 then how can the same management ignore this 9850/- for those who worked till Jan-2012 on this scale of 9850-14600/-, since their appointment in year 2009 and 2010.
- b) The point says that, However after clarification dated 18/05/2011, the pay of such JAOs got reduced by Rs.2600/-. Management is considering a loss which has arisen due to wrong fixation for JAOs but for JTOs of 2007 & 2008 batch and JAOs of 2010 batch, ignoring the loss of Rs. 7244/- after pay revision with respect to a correct pay in pre revised scale. This is illustrated in the following table:

Initial Basic on July 2009	Basic After 13-increments in July-2020 (11 regular +2 addl. because of TBP)	DA in July 2020	Effective DA in Pre-revised scale in July-2020 after merging of 50% DA as DP	Effective Basic on July 2020	DA on July 2020	Salary (Basic+ DA) on July 2020
9850/- in Pre revised	13725/-	338.8%	338.8-50 = 288.8%	13725x1.5 = 20587/-	59455/-	80042/-
19020/-in Revised	28010/-	159.9%	159.9%	28010/-	44788/-	72798/-
Loss with respect to pre revised on July 2020 = Rs. 80042 - Rs. 72798 = Rs. 7244						7244/-

- c) Committee observed that there has been no such restriction of any date either in 2nd PRC recommendation or Presidential Order issued for Executive by DOT, dated 05/03/2009 and clarification dated 31/03/2010. Even such restrictions are not mentioned in the recommendation of wage revision committee for non-executives as well. The same applies to the JTOs of 2007 & 2008 batch and JAOs of 2010 batch also as they have also worked on this pre revised scale of 9850-

14600 (i.e. pre revised E1A) till January 2012. The date of 07.05.2010 has same value in the non-executive cadre which 01.01.2007 has for JTOs of 2007 & 2008 batch and JAOs of 2010 batch.

- d) In this point it has been said that this one time dispensation has been given to another set of employee who were promoted to the grade of Assistant Manager and joined after 07.05.2010. The same can be applied one more time for other set of executives also.
- e) Therefore, it has been seen that time and again, one time dispensation has been given to the other set of employees on the basis that their reduced pay after implementation of 2nd PRC vis-à-vis their pre-revised scales, without bothering about the cutoff date as 01.01.2007 but taking cutoff date as alibi for not extending the initial basic of 22820 to those set of executives mentioned in the above subject, who are also facing pay loss is totally unjustified, when there is no restriction of any cut-off date in the recommendations of 2nd PRC. Recently management took another magnanimous step by extending the 22820 initial basic to departmental JAOs promoted under 10% quota vide order dated 28.08.2020 (The copy of all the relevant orders and the Note-Sheet along with report of the committee is attached herewith as annexure-V).
- f) In the Panda Committee report it was stated by the management side that those joining after pay revision date of 01.01.2007 are to be placed at minimum of E1A scale, citing the Presidential directives issued by DOT vide order No. 61-6/2002-SU dated 28.07.2003. Sir, The presidential directives which is being referred to, was a directive issued for switching from CDA scale to IDA scale and not for any other purpose. Hence use of that presidential directive to deny a genuine demand on merit is not at all accounted for, when at the same time no directive are being followed to extend Rs22820/- to JAO departmental 2010 Batch (10% and 40% quota). Further it will also be pertinent to mention here that DPE has never finalized the corresponding revised E1A scale for pre revised E1A scale. Keeping this in mind, under the absence of revised E1A scale the corresponding minimum basic of revised E1A scale is unknown and is highly unlikely to come as well. Hence taking an alibi of Presidential directives which was issued on a different context, is nothing by shying away from settling a genuine demand of Rs 22820/- for those who were recruited in pre revised E1A scale of 9850-14600/-.
- g) It will be pertinent to mention that greater pay loss has been faced by the executives recruited under DR quota for the JTOs of 2007 & 2008 batches and JAOs of 2010 batch who were working on pre-revised scales of 9850-14600 (i.e. pre revised E1A) till January 2012. The loss has already been depicted in the table mentioned above.
- h) This becomes further more important considering the fact that departmental JAOs who were promoted to JAO under 40% & 10% quota after 07.05.2010 were given 5 additional increment citing the example of the grant of 5 advance increment to JTOs of 2007& 2008 batch and JAOs of 2010 batch to maintain parity between departmental and Direct Recruit JAOs but the same parity concept has not been applied to the Direct Recruits while extending the 22820 initial basic to the promoted quota JAOs. Accordingly the corrective action needs to be taken to maintain parity as envisaged by BSNL.
- i) It is very much evident that these Direct Recruit JTOs of 2007 & 2008 batch and the Direct Recruit JAOs of 2010 batch also deserve to be given similar 22820 basic as that of their counter parts else these DR executives will be made subject to an irreparable loss by pushing them back by one pay commission as there will be a huge pay difference between the similarly placed executives who were working on almost similar/comparable pay scales in the pre-revised scales of 9850-14600 (i.e. pre revised E1A) scales. These three sections of employee have a very strong binding & relation with pre revised scale of 9850-14600(i.e. pre revised E1A) on which they worked till January 2012 and the fact that they were not recruited/appointed directly on revised scale of 16400-40500, it is requested to grant them the similar relief as their salary w.r.t pre revised scale is

lower by a margin of Rs 7244/- through administrative order similar to departmental candidates, promoted to JAOs.

- j) The committee formed earlier to examine the issue which got the demand negated has mentioned that the recognized association at that time has sought similar compensation for all executives. Herein we as recognized executive association of BSNL reiterate that we understand that this concept of extending initial basic of 22820 is limited to only those set of executives who have been or whose recruitment has been initiated in the pre-revised scales of 9850/- (i.e. Pre revised E1A).
- k) The Committee did not take note of the fact that the comparison is not with the senior batch but the comparison is with the situation and pay which the DR executives belonging to JTO 2007 & 2008 batch and 2010 JAO batch were getting in pre-revised scales and what they are getting post implementation of the 2nd PRC. Further the fact that BSNL envisaged to keep Promoted quota and DR quota officers at par in terms of pay has also not been taken into consideration as initial basic of 22820 has been extended to similarly place promoted quota officers but the DR quota executives have been denied the same benefit. It is pertinent to mention that both PR as well as DR quota officers were drawing equal pay after equalization with DR JAOs up to 24.07.2015.
- l) BSNL should not create class amongst the employees entitled for up-gradation in fixation of scale in view of the aim and object of second PRC and therefore the differential treatment is creating huge difference of the emoluments between the two classes of employees which are similarly placed and executing the same responsibilities which is unfair and discriminatory and even violates service principles of maintaining equality.
- m) These executives have never been given option to choose the revised pay scale or to remain in pre-revised pay in view of the discriminatory revision of pay scale of these executives vis-à-vis other set of executives similarly placed and executing the same responsibilities .
- n) The anomaly arbitrarily created by BSNL while fixing the pay scale of these DR executives in comparison to other similarly situated employees is not sustainable in view of judgment delivered by the Hon'ble Supreme Court in the case of P. Savita Vs. Union of India, Ministry of Defense reported in 1985 SCC Suppl. 94 in which it has been held that where all relevant considerations are the same, persons holding identical posts and discharging similar duties should not be treated differently as the same violates Article 14 of the Constitution of India. (Copy of the relevant part of the Judgment is attached as Annexure-VI)
- o) That the discrimination created by BSNL while fixing the basic pay of these DR Executives is also not sustainable in view of the judgment delivered by the Hon'ble High Court of Calcutta in the case of Mr. Ibrahim Mollah & Anr. Vs. Union of India & Ors. reported in (1994) 2 CALLT 410 HC wherein it has been held that it was wholly unreasonable and illogical to prescribe a different mode of pay fixation and discriminatory method of pay fixation is plainly prejudicial to one group compared to the other and the grouping is also not based on any discernible rational principle so far as the question of pay fixation is concerned and further it was held that 'it is needless to mention that the main purpose of pay revision is generally to make upward revision of pay of employees necessitated by a host of reasons such as fall in rupee value, the rising cost of maintenance of livelihood, circumstantial demands for larger pay packets for meeting the changing pattern of general life style bringing many hitherto luxury items in the fold of the necessities of life. (Copy of the relevant part of the Judgment is attached as Annexure-VII)
- p) That the Hon'ble Supreme Court in the case of P. Savita Vs. Union of India has held that by seniority, a senior draughtsman will get higher pay with the increments that he earns proportionate to the number of years he is in service but due to decision of BSNL, the difference in increments between the DR executives of 2007 & 2008 JTO batch and 2010 JAO

batch vis-à-vis their senior batch appointed just before has become 8 whereas the same ought to have been only 2.

- q) That the Hon'ble High Court at Calcutta in the case of Ibrahim Mollah and ors. Vs. Union of India has held that "The question is whether this classification of the two groups for the purpose of fixation of pay stands the test of article 14 of the Constitution of India. The law is now settled that classification permissible under Article 14 must satisfy two conditions, namely, (i) it must be founded on an intelligible differentia which, distinguishes persons or things that are grouped together from others left out of the group, and (ii) the differentia must have a rational relation to the object sought to be achieved by the measure in question." Further if the classification is not reasonable and does not satisfy the two conditions referred to above, the impugned legislative or executive action would plainly be arbitrary and the guarantee of equality under Article 14 would be breached.

In view of the submissions made above and the fact deliberated, it is clear that earlier committee has failed to appreciate the fact that a huge injustice has been done to DR executives of 2007, 2008 JTO batch and 2010 JAO batch, who were similarly/comparably placed with their counterparts in pre-revised scales, We request for the consideration of the demand to extend 22820 as initial basic to the directly recruited executives of 2007 and 2008 JTO batch and 2010 JAO batch also. Your this act of magnanimity will go a long way in improving the morale of these executives and will reap huge benefits in terms of the output associated with the increased motivation level of the young and qualified executives.

**Therefore in the lights of above facts, figures and attachments, we would like to request once again that a Pay Loss Committee may kindly be formed to examine the pay loss case of these executives so that we can submit our detail inputs and current status of facts to examine these details afresh on merit and render justice to these deprived executives.**

Encl. As above

With warm regards,

--Sd/--  
[MD.WASI AHMAD]  
General Secretary

Copy to:

1. The CMD BSNL for kind information please.
2. The Sr. GM (Establishment), BSNL CO, New Delhi for kind information and N/A Please.
3. The Sr. General Manager (SR), BSNL CO, New Delhi for kind information and N/A Please.