

ALL INDIA BSNL PENSIONERS' WELFARE ASSOCIATION

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To
Smt. Sujata Ray,
Director (HR), BSNL,
New Delhi.

Respected Madam,

**Sub: Senior drawing less pay than junior – case of Executives –
General order requested for stepping-up of pay of seniors to that of juniors**

We are constrained to write this letter with a hope that you would solve the genuine grievance of hundreds of pensioners retired from the executive cadre. This arose after introduction of Executive Promotion Policy vide BSNL C.O order dated 18/1/2007.

2. You may be well aware that the senior executives who were drawing less pay than his junior approached CAT, Ernakulam by filing O.A (109/2011) and got the relief by its order dated **7/12/2011**. The management preferred an appeal before Hon. **High Court of Kerala** (vide OP CAT No.1576/2012) which was **dismissed** vide its judgement dated **10/7/2012**. SLP (No.7716/2013) was filed before **Hon, Supreme Court** by the management which was also **dismissed** vide its order dated **8/1/2015** stating **"We find no merits in the special leave petitions"**. The aggrieved seniors got the stepping-up of pay with all consequential benefits.

3. Similarly Shri **K.Ramadoss & 23 others** filed OA (615/2012) and Shri S.Prathaban (OA No.379/2012) before Hon. CAT, Madras claiming stepping-up of pay with their juniors. They also got **favourable judgement from Hon. CAT, Madras on 20/2/2015**. The management filed writ petition against the judgement before **Hon. High Court of Madras** which was **dismissed on 22/7/2015**. The management filed SLP (No.509&771/2016) before the **Hon. Supreme Court** which was **dismissed on 3/10/2018**. Accordingly **BSNL C.O. vide its letter No.61-02/2013-Pers-Legal dated 15/11/2018** directed the concerned CGMs to step-up the pay. This was implemented to those who approached the court.

4. But there are hundreds of similarly placed officials who do not get their due benefit because they have not resorted to legal remedy. The issue is common and it was taken upto the Apex Court by the management and the Apex Court not once but twice dismissed the Special Leave Petitions. Hence it has become the law of the land. Natural justice demands that other similarly placed officials who represent to the management requesting for stepping-up of pay with their juniors should be given the same benefit, ofcourse after verifying the genuineness of the claim. Forcing them to seek legal remedy is time-consuming, wastage of money and unnecessary burden on Hon. Courts which are already overloaded.

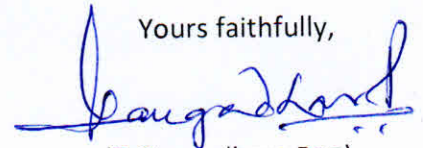
We herewith attach one comparative statement for your study.

	M.Natarajan	R.Lakshmi	V.Srikumar
	1	2	3
JE Recruitment year	1974	1976	1973
Seniority No.	--	12584	11112
Staff No.	15626	16264	14595
HR No.	197602980	197803949	1197404709
SDE Promotion Date	26/11/1993	26/11/1993	June 1993
E2 to E3 upgradation	1/10/2004	1/10/2004	1/10/2004
E3 to E4 upgradation	--	1/10/2009	--
Adhoc DE Promotion	10/9/2008	23/7/2010	14/1/2008
Basic Pay on 1/1/2011	Rs.44,140/-	Rs.45,540/-	Rs.44,180/-
Date of Retirement	31/10/2015	19/7/2012	6/5/2011

The official in column 1 approached the court and got the benefit quoting the official in column 2 but the official in column 3 is senior in all respects is not granted stepping-up of pay because he has not approached the court. This is nothing but denial of natural justice. This loss in pay reflects on retirement benefits particularly on pension which is perpetual. **Hence we seek your kind intervention, madam, to issue a general order for stepping-up of pay for seniors to their juniors. We shall feel highly obliged if it is issued at the earliest.**

Thanking you

Yours faithfully,



(P.Gangadhara Rao)

General Secretary.