

Corporate Office
Establishment-IV Section

No. 3-8/2010/Estt-IV (Pt.)

5th Floor

Bharat Sanchar Bhawan

Jan path, New Delhi-110001

Website: www.bsnl.co.in

Dated: 23rd September, 2015

To
All Heads of Circles/Districts.

Subject: Implementation of Hon'ble CAT, Principal Bench, and New Delhi's judgment dated 27.07.2015 in OA No.2684/2015 -Fixation of pay of Officials officiating in the capacity of JTO, under FR-22(1) (a) (i) –reg.

The petition numbered as OA No.2684/2015 was preferred by Bharatiya Telecom Employees Union (BTEU) before Hon'ble CAT, Principal Bench, New Delhi, seeking parity with the applicants in OA No.1282 and officiating JTOs of Kerala circle for fixation of pay under FR-22(1) (a) (i) without restriction under FR-35. The petition was admitted by the Hon'ble CAT, Principal Bench, which vide its judgment dated 27.07.2015 ordered as under:

" to examine the cases of the applicants in the light of aforesaid orders of this tribunal and pass appropriate orders in their respective cases also.If their cases are found to be covered by those orders, they shall also be extended the same benefits.The aforesaid directions shall be complied with, within a period of two months from the date of receipt of a copy of this order"

The above petition was disposed by the Hon'ble CAT, Principal Bench in the light of its earlier order dated 26.08.2010 in **OA No.1282/2010**,vide which, the following directions were given:

"....For parity of reasons, we allow present OA in terms of the decision of Ernakulam bench of this Tribunal in the matter M.V.Salilakumar & Ors. Vs CMD & Ors.(supra). However, we make it absolutely clear that the fate of the applicants herein would be dependent upon the writs filed by the respondents in Kerala High Court. That being so, if the writs allowed, the respondents may withdraw the benefits given to the applicants and, therefore, there will be no need for the respondents to file separate writ in this case."

The order of Hon'ble CAT, Principal Bench in OA No.1282/2010 was relied upon the order, dated 15.07.2009 of Hon'ble CAT, Ernakulam bench in TA Nos.84-97/2008.

As the order of Hon'ble CAT, Principal Bench in OA No.1282/2010 has already been implemented, it has been decided by the competent authority to implement the order dated 27.07.2015 of Hon'ble CAT, Principal Bench in OA No.2684/2015. The implementation of the order will be effective from the date they become eligible i.e. the pay of the officials whose names were mentioned in the instant order has to fixed under FR-22(1) (a) (i) from the date they have started officiating in the capacity of JTO. Implementation of instant order will be limited only to those officials whose names have specifically been mentioned in the order.

The implementation of the instant order will be subject to the outcome of Writ Petitions in TA No.84-97/2008 pending before the Hon'ble High Court of Kerala at Ernakulam. As clarified by the Hon'ble Supreme Court of Indi, in the event of success of Writ Petitions filed before Hon'ble High Court of Kerala at Ernakulam, the amount so paid to the applicants as well as other officials, who have been extended the benefit with or without intervention of any CAT or High Court will be recoverable from the beneficiaries.

A.K. Singh
23.7.2015
(A.K. Singh)

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Enclosure: Judgment dated 27.07.2015 of Hon'ble CAT, Principal Bench, New Delhi in OA No.2684/2015.

Copy to: Bharatiya Telecom Employees Union.

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