



SANCHAR NIGAM EXECUTIVES' ASSOCIATION

KERALA CIRCLE

(Recognised Majority Association of Executives in BSNL)
SNEA Bhavan, Dharmalayam Road, TVM-695001

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No.SNEA/Kerala/2020-21/II/111

dated at TVM

the 10th June 2020

To

Sh. C V Vinod,
Chief General Manager Telecom,
BSNL, Kerala Circle,
Thiruvananthapuram-33

Respected Sir,

Sub: Recovery of excess payment due to wrong fixation of pay case of Officiating JTOs, reg:

- Ref:**
- 1. Corporate Office Ltr No.1-06/2016-PAT (BSNL) dated 1-5-2019.**
 - 2. CGMT Ltr No.HR-iii/2-5/JTO (O) pay fixation /2012/Pt-I/70 dated 28-9-2019**
 - 3. Corporate Office Ltr.No.3-8/2010/2019/Est.-IV dated 14th Oct 2019.**
 - 4. Corporate Office Ltr. No.3-8/2010/2019/Est.-IV dated 9th Jan 2020**
 - 5. Corporate Office Ltr.No.1-06/2016/PAT (BSNL) dated 4-3-2020.**
 - 6. CGMT Letter No. HR-E/2-33/COURT CASE/A/2020-21/17 Dated at TVM 8-6-2020**

Kind attention is invited to the letter under references on the above subject. In this regard the following are submitted for kind consideration and favorable orders, please.

1. The letter under reference 1 stipulates the situations under which the recovery of excess payment due to wrong fixation will be impermissible in law.
2. As per the letter under reference 2, Kerala circle had sought instructions from Corporate Office regarding the applicability of letter under reference 1 on the subject matter.
3. As per the letter under reference 3, Corporate office has clarified that the subject matter has to be dealt in accordance with letter under reference 1.
4. As per the letter under reference 4, Corporate Office has clarified that TTAs while Officiating as JTOs belongs to Group C cadre contrary to the contention taken by Kerala circle that Officiating JTOs belongs to Group B cadre.
5. As per the letter under reference 5, Corporate office has issued instructions to MP circle with copy endorsed to all circles that, on the above subject, the letter under reference 1 is applicable to those employees whose normal date of retirement on superannuation comes within one year from the date of recovery which is clause (ii) of the letter under reference 1. MP Circle had sought clarification w.r.t VRS 2019.

From the above, it is to be derived that

- (i) As per BSNL, offg JTOs are Group C cadre and they are not eligible for pay revision in Executive scale.
- (ii) The fixation was wrongly done on implementation of 2nd PRC in respect of officiating JTOs in executive scale which resulted in excess payment.

Sir, it is clear that the officiating JTOs being Group C employees, recovery from pay on account of excess payment due to wrong fixation is impermissible in law as per the of clause (i) of Letter under reference 1. More over some of the officials are also coming under the purview of clause (ii) of the letter under reference 1 and exempted from recovery as per Corporate Office letter under reference 5.

Hence, considering the above facts and directions from Corporate Office, SNEA Kerala vide letter no. SNEA/Kerala/2020-21/II/108 dated at TVM the 26th May 2020, had requested your good office to consider the following as a special case.

1. Waiving off the recovery of excess payment due to wrong fixation from Officials/ Officers of Kerala circle also who are due for retirement on superannuation within one year as per the letter under reference 5 endorsed to Kerala circle.
2. As per the clause (i) of letter under reference 1, recovery of excess payment due to wrong fixation is impermissible in law in case of Group D & Group C employees. Since officiating JTOs belongs to Group C cadre, the recovery from all officiating JTOs may be waived off as per the letter under reference 1.

But vide the letter under reference 6, dated 8-6-2020, Kerala circle office has directed BAs to effect recovery of excess payment made due to wrong fixation without considering the facts mentioned above and our repeated requests on the subject matter. Sir, the case of these hapless officials need to be considered in the most sympathetic manner as they were compelled to work as officiating JTOs till 2016 though they had qualified for promotion to JTO cadre in 1998 and completed pre-appointment training under JTO recruitment Rule 1996. All these mishaps occurred due to the lapse in provisions of JTO recruitment rule 2001 despite written assurances from the Secretary, DOT during the formation of BSNL that their career prospects would be taken care off. These officials have lost all their career aspirations on account of this even though they were discharging entire duties and responsibilities of a JTO. BSNL took more than 14 years to correct the lapse by promulgation of JTO recruitment rule 2014 under which they got regularized in 2016.

As the letter under references 1, 3 & 5 were issued by the Corporate Office, it is requested to refer the matter to Corporate office before taking a final decision on the matter. It is also requested that the letter under reference 6 may be kept under abeyance, till a final decision is taken by the BSNL Corporate Office on the subject.

Thanking You,

Sincerely Yours

A handwritten signature in blue ink, consisting of a stylized initial 'J' followed by a long horizontal line.

Jithesh K P
Circle Secretary
SNEA Kerala Circle

Enclosure: Sample representations submitted by the aggrieved Officials

Copy to Shri Sathesh.R, GM(HR&Admin), Kerala Circle