



SANCHAR NIGAM EXECUTIVES' ASSOCIATION

KERALA CIRCLE

(Recognised Majority Association of Executives in BSNL)

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No.SNEA/Kerala/2018-19/II/85

dated at TVM

the 14th March 2020

To

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

Sir,

Sub: Pay recovery from JTOs on account of wrong fixation, reg:

Ref:

1. BSNL Corporate Office letter No. 1-06/2016-PAT (BSNL) dated 01-05-2019
2. BSNL Corporate Office letter No. 1-06/2016-PAT (BSNL) dated 04-03-2020
3. Kerala Circle letter No. HR-III/2-5/JTO (O) pay fixation/2012/Part-1/59 dated 2-2-18

Pay fixation/revision given to a good number of JTOs during their TTA to JTO officiating period has been under dispute for long and was subjected to multiple litigations in various courts of law from CATs to Hon. Supreme Court. All such litigations have come to a conclusion now and our finance wing had initiated the process of regularization of their pay fixed on promotion and revision as per 2nd PRC w.e.f 1-1-2007. During the process, it was found that excess pay was drawn by them from 1-1-2007 and administration has decided to recover the same from the officers. It may kindly be noted that most of the affected Officers are either in the verge of retirement or have already retired under the VRS scheme.

In this regard, we would like to bring to the notice of Circle administration once again regarding the letter under **[reference-1]** which clearly stipulates the situations under which the recovery from pay would be impermissible in law as per the Hon. Supreme court directions. All the affected officials referred herewith are coming under the purview of these directions and hence it is requested to waive off the excess payment on account of wrongful fixation and not to go ahead with the decision to recover the already paid salaries. It is also brought to the attention of Circle administration that there is no court order directing BSNL to recover any excess payment already made to these employees due to fixation and revision. In all the cases, the court has upheld the stand taken by BSNL that the pay revision as per 2nd PRC is to be implemented considering the substantive pay of TTA and not with respect to the officiating pay of JTOs. Accordingly, the pay fixed erroneously was reduced and the pay of

the officials has been fixed in accordance with corporate office instructions. As far as any recovery is concerned, it may be dealt with in accordance with the provisions contained in the letter under [reference-1].

It may be noted that, as the excess payment was made from 1-1-2007 during the period when they were Group C officials and officiating as JTOs, any recovery is impermissible under law as per clause 1 of [reference-1]. Further, through the letter under [reference-2], BSNL corporate office has directed Madhya Pradesh Circle to uphold the applicability of the corporate office guidelines given in May 2019 vide [reference-1] in case of any excess recovery. Further, HR section of Kerala Circle vide [reference-3] had clearly given instructions to BAs not to effect recovery of excess pay until directions are given from BSNL Corporate Office. Thus, it may kindly be noted that neither BSNL Corporate Office nor any court of law has given any direction to recover excess payment made to the Group C officials while officiating as JTOs after 1.1.2007.

Sir, it may kindly be noted that these hapless officials in the Group C cadre were compelled to languish as officiating JTOs in BSNL for more than ten years only on account of the delay in amendment of the JTO recruitment rules which got materialized in the year 2015. This has resulted in inordinate delay in their career progression including next promotion and majority was forced to retire as JTOs. Hence, it is once again requested that the Circle administration may consider the case of these officials in the most sympathetic manner and reconsider the decision to impose recovery of pay from this group of employees who had fully dedicated the good part of their life for the well being of BSNL even during the most testing times and may take necessary steps to waive off the excess payment made to them on account of wrongful fixation.

Thanking You,

Sincerely Yours



Jithesh K P.
Circle Secretary
SNEA Kerala Circle

Copy to:

1. Smt. Yojana Das, PGM Finance, Kerala Circle
2. Sh. K Sebastin, GS, SNEA CHQ