



**ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
EXECUTIVES' ASSOCIATION**

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No. AIBSNLEA/CHQ/Dir (HR)/2013

DATED: 31.12.2013

To

The Director (HR)
BSNL
NEW DELHI-110001

Sub: Request for first time bound promotion after 4 years without reaching higher scale condition – Implementation of Hon'ble CAT Chennai judgment in the OA No. 441/2010 dated 23.02.2012 – Representation from Shri Avadhoot Vishwas Mahajan, HRMS No. 199701461, SDE (Computer), Sangli, Maharashtra.

Respected Sir,

On the subject cited above, kindly find attached herewith a representation received from Shri Avadhoot Vishwas Mahajan, HRMS No. 199701461, SDE (Computer), Sangli, Maharashtra.

In this context, we would like to bring to your kind attention towards the judgment of Hon'ble CAT Chennai in the OA No. 441/2010 dated 23.02.2012 wherein the Hon'ble CAT have inter-alia, observed as following:

“.....This differentiation of six years and four years based on salary does not serve the purpose of removing stagnation which is the intention of the scheme that has been introduced.....

“..... The arbitrary division of six years and four years based on scale of pay will definitely violate Article 14 & 16 of the Constitution...”

The Hon'ble CAT, Chennai has also set aside Clause 3.1 of the OM dated 18.01.2007 to the extent it refers to “the grant of up-gradation of completion of four years of service in the current IDA scale subject to the condition that the Executive basic pay in the current IDA scale has crossed/touched the lowest of the higher IDA scale of his/her up-gradation is to be considered.” Copy of the judgment of Hon'ble CAT Chennai in the OA No. 441/2010 dated 23.02.2012 in enclosed herewith for ready reference please.

In view of the above observations and judgment of Hon'ble CAT, Chennai, it is humbly requested to kindly look in to the matter and arrange to issue necessary orders to grant

first time bound up-gradation on completion of 4 years only irrespective of the condition of basic pay as enumerated in the Clause 3.1 of the OM dated 18.01.2007.

With kind regards,

Yours Sincerely
-sd-
(Prahlad Rai)
General Secretary

Encl: As above

Copy to:

1. The GM (Pers.), BSNL Corporate Office, New Delhi