



**BHARAT SANCHAR NIGAM LIMITED EXECUTIVES' WELFARE ASSOCIATION
CENTRAL HEAD QUARTERS, NEW DELHI**

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NO.AIRBSNLEWA/CHQ/2025/CMD/

Dated 26th June, 2025

To,

Shri A Robert J Ravi
CMD, BSNL /MTNL
New Delhi-110001

Respected Sir,

Sub:- Implementation of Order dated 09/11/2016 in OA No.1039/2013 of the Hon.CAT, Ernakulam.
Ref:- Order dated 04/11/2024 in O.P (CAT) No.61 of 2018 against judgment dated 09.11.2016
in OA No.1039 of 2013 and order dated 04.08.2017 in R.A.No.22 of 2017 of CAT, Ernakulam Bench.

Kindly refer to our earlier letter dated 18.3.2025 on the above mentioned subject matter. In this regard, it is once again requested to give suitable instructions to the BSNL, Kerala Circle to implement the Hon. High Court of Kerala Order dated 04/11/2024 in O.P.(CAT) No.61 of 2018 cited above, immediately in its true spirit.

The brief history of the case is furnished below for your information and necessary favourable action and orders please.

1. The 2nd financial upgradation under ACP Scheme was given to all the Stenos and PAs who have completed 24 years of regular service in the cadre based on the then existing ACP Scheme vide CGMT, Trivandrum letter No.ST-II/29-12/05 dated 10/05/2006, CGMT, Trivandrum letter No.ST-II/29-12/06 dated 31/07/2006 and CGMT Trivandrum letter No.ST-II/29-12/06 dated 18/11/2006. On getting 2nd financial upgradation under ACP, the Basic Pays of all these officers were fixed at Rs.11875 in the scale of Pay 11875-300-17275 by all concerned SSAs based on the orders cited above, since at that time no executive promotion policy was notified. It may kindly be noted that Executive Promotion Policy was notified by BSNL Corporate Office only on 18.01.2007.
2. But, subsequently, 2nd financial upgradation given to all PAs under ACP was cancelled on the plea that they have become executive w.e.f. 01.01.2004 and their Basic Pay was reduced to Rs.10350 vide CGMT Trivandrum letter No.ST-II/29-12/06 dated 22.09.2007. Whereas, their juniors who are non-executive Stenos and completed 24 years of regular service w.e.f 01.10.2004 continued to draw the basic pay of Rs.11875/-.
3. This disparity has been caused due to the cancelation of the 2nd financial upgradation under the ACP Scheme through a duly constituted DPC based on the then existing rules. Cancelation of a financial upgradation based on a subsequent scheme (Executive promotion policy) issued on a subsequent date is against all canons of law. Hence BSNL Personal Staff Association, Kerala Circle along with some affected stenos/PAs approached the Hon. CAT, Ernakulam and the Hon. CAT vide their judgment dated 09.11.2016 in O.A. No.1039/13 quashed the order issued by CGMT vide letter No.ST-II/29-12/06 dated 22.09.2007 by which the 2nd financial upgradation granted under ACP Scheme was cancelled. Accordingly, the directions contained in the judgment in O.A.No.1039/2016 was partially implemented for 59 PAs/PSs who have completed 24 years of regular service in the cadre upto 30.09.2004 vide CGMT Trivandrum Order No.HR.II/50-20/2013-17/59 dated 15/02/2017. **In respect of PAs who have completed 24 years of regular service in the cadre from 01.10.2004, the judgment in OA No.1039/2016 dated 09.11.2016 was not implemented and the BSNL filed a review petition. Whereas, the non-executive Stenographers in the basic cadre who have completed 24 years of regular service in the cadre on 01.10.2004 to 31.12.2024 are getting the pre-revised scale of pay of Rs.11875-17275 based on the then existing ACP Scheme and getting higher pay than the Executive PAs who have completed 24 years of regular service in the basic cadre on 01.10.2004 onwards.** This review petition was also rejected by the Hon. CAT, Ernakulam vide order dated 04.08.2017 in Review Application No.180/00022/2017. BSNL filed appeal, OP (CAT) No.61 of 2018 against the judgments of Hon. CAT referred above. **The main relief sought for by BSNL in the above appeal was "To declare that the Respondents and similarly placed Personal Assistances (PAs) are not entitled to have the benefit of 2nd upgradation under erstwhile ACP Scheme of 1999, (ie., on completion of 24 years from the date of entry into service) on a date after 1.10.2004, on which date he was an Executive."** Now the Hon. High Court of Kerala vide judgment dated 04/11/2024 in OP (CAT) No.61 of 2018 has dismissed the above original petition filed by BSNL, New Delhi as infructuous as requested by the BSNL Counsel. The relevant extract of the judgment is reproduced below for your kind ready reference:

"6. The learned Standing Counsel for BSNL would submit that the reliefs sought in this original petition have become infructuous and therefore, the original petition may be dismissed as infructuous. Based on the

aforesaid submission made by the learned Standing Counsel for BSNL, this original petition is dismissed as infructuous". The copy of the judgment of the Hon. High Court dated 04.11.2024 is enclosed herewith.

4. After a lapse of 8 years since the OP (CAT) of 61/2018 was filed, BSNL themselves submitted before the Hon'ble High Court that the original application (OP CAT No. 61 of 2018) becomes infructuous, means nothing is pending there for implementation. This misconceived statement was made by BSNL before the Hon'ble High Court without complying the orders contained in the judgment in OA No. 1039 of 2013 in respect of the 5th Applicant and similarly placed members of the Applicant Association in the above OA for the last 7 years. BSNL has not taken into account the above fact while making such a misconceived submission before the Hon'ble High Court. It is also submitted that as and when the appeal (OP CAT No.61 of 2018) filed by BSNL before the Hon'ble High Court stands dismissed based on the submission made by BSNL Counsel, the Judgment pronounced by Hon'ble CAT in O A No.1039 of 2013 shall become in force and the orders contained therein are to be complied without fail.
5. In the operative portion of the order dated 09.11.2016 of CAT, Ernakulam, it is stated that "the 24 years service was neither taken away or negated by migration to Executive Cadre or the creation of BSNL. However, the 4+5 years upgradation under EPP will apply only after migration to Executive Cadre i.e, with effect from 1.1.2004. The 2nd financial upgradation under ACP Scheme was granted to all the applicants and the members of the applicant Association on various dates from 09.08.1999 to 30.09.2006 on completion of 24 years regular service and the placement was in the revised restructured IDA pay scale of Rs.11875-17275. Restructuring the cadre, is not a promotion. Hence the same has to be retained and protected on implementation of a new promotion policy (EPP). **Purpose of implementing a new promotion policy is to give some benefit to the cadre and not for lowering, demoting and reducing the pay scale of the applicants than that of their feeder cadre of Steno.** Hence the reliefs sought in these O.As are to be allowed. Consequential benefits arising out of this order be granted within a period of 90 days from the date of receipt of a copy of this order. Ordered accordingly."

In view of the dismissal of the O.P (CAT) No.61 of 2018 filed by CMD, BSNL, it is requested that the 2nd Financial upgradation granted under ACP Scheme on completion of 24 years of regular service, to all the PAs w.e.f the dates noted against their names vide CGMT, TVM letter No.ST-II/29-12/05 dated 10/05/2006 and CGMT, TVM letters of even No.ST-II/29-12/06 dated 31/07/2006 and 18/11/2006 may be restored and subsequent upgradation of IDA pay scale to the next higher IDA pay scale may be granted as per the Executive promotion policy.

Immediate intervention and an early action by your honour to settle the above long pending issue is solicited please

With kind regards,

Yours Sincerely



(Prahlad Rai)
General Secretary
AIRBSNLEWA

- Encl:- 1. Copy of the Hon'ble High Court of Kerala Order dated 04.11.2024 in O.P (CAT) No.61 of 2018.
2. Copy of the Hon'ble CAT, Ernakulam Order dated 09.11.2016 in O.A No.1039/13.

Copy to:-

1. Director (HR), Corporate Office, Bharat Sanchar Nigam Ltd., New Delhi.
2. PGM (Admn), Corporate Office, Bharat Sanchar Nigam Ltd., New Delhi.