

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.142/11

Monday this the 23rd day of January 2012

C O R A M :

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

1. BSNL Personal Staff Association,
Kerala Circle Unit, represented by its
Circle Treasurer, M.T.Sasidhara Menon,
Working as Personal Assistant,
Office of Dy. General Manager (RP), BSNL,
Mobile Services, 3rd Floor, Telephone Exchange,
Panampilly Nagar, Kochi – 682 036.
Residing at 30/115, Sarika, Petta,
Poonithura PO, Ernakulam – 682 038.
2. M.Narayanan, S/o.V.Narayanan Nair,
Working as Private Secretary to General Manager,
(Operations) Office of the Principal General Manager
Telecom, Bharat Sanchar Nigam Limited, Thrissur - 22.
Residing at Sreevalsam, M.G.Nagar, Punkunnam,
Thrissur Village, Thrissur Taluk, Thrissur.
3. Vasudevan K.R., S/o.late K.V.Raman,
Working as PS to PGM, Office of PGM Telecom,
BSNL, Uppalam Road, Statue, Trivandrum – 1.
Residing at C-III/23, BSNL Staff Quarters,
Paruthippara, Panavila, Trivandrum – 695 015.
4. K.Santha Kumari, W/o.Bhaskaran,
Working as PS to GM (S & M), CM,
Office of the CGM Telecom, BSNL,
PMG Junction, Trivandrum – 33.
Residing at T.C.10/1674 (1), Pulimoodu Lane,
Manchadimoodu, Vattiyoorkavu, Trivandrum – 695 013.
5. Sreekumari P, W/o.K.Muralidharan,
Working as PS to GM (NR – CM),
Office of the GM (NR – CM),
BSNL Mobile Services, CTTC Complex,
RTTC Kaimanam, Trivandrum – 695 040.
Residing at Dhanyasree, House No.73,
Mosque Lane, Kumarapuram, Trivandrum.

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6. Remla Beevi A, W/o.K.Mohammed Basheer,
Working as PS to GM (TR),
Office of the CGM Telecom, BSNL,
PMG Junction, Trivandrum – 33.
Residing at TC 49/401, SNRA – 178,
Kuthukallinmoodu Junction, Manacaud PO,
Trivandrum – 695 009.
7. K.L.Varghese, S/o.late K.V.Louis,
Working as Private Secretary,
Office of the Principal General Manager Telecom,
Bharat Sanchar Nigam Limited, Thrissur – 680 022.
Residing at Kollannoor House, Eravu Village,
Thrissur Taluk, Thrissur District.
8. E.N.Prasannakumari, W/o.N.Harikumar,
Working as PS to GMT, Office of the PGMT,
BSNL Bhavan, Uppalam Road, Trivandrum – 695 001.
Residing at Sarovaram, Varambassery Road,
Kunnukuzhy, Vanchiyoor PO, Trivandrum – 35.
9. B.Jyothishmathy, D/o.K.Chellappan.,
Working as PS to GM (NWO),
Office of the CGM Telecom,
BSNL, PMG Junction, Trivandrum – 33.
Residing at Jyothish, TC 52/229,
Old Karakkamandapam, Nemom PO,
Trivandrum – 20.
10. Jayakumari K., W/o.K.Bhaskara Pillai,
Working as PS to GM (F),
Office of CGM Telecom, BSNL,
PMG Junction, Trivandrum – 33.
Residing at KP 11/596, Ravi Nagar 88,
Sreejith Bhavan, Peroorkada PO,
Trivandrum – 695 005.
11. V.John, S/o.K.J.Varghese,
Working as PS,
Office of the General Manager, BSNL, Alappuzha.
Residing at Thyparambil,
Power House Ward, Alappuzha.
12. G.Ramachandran, S/o.S.Govindan,
Working as PS, Office of the General Manager,
Telecom, BSNL, Alappuzha.
Residing at Samatha, CMC 10,
Cherthala PO, Alappuzha District.



13. Meenakshy PA, W/o.KA Dharmarajan,
Working as Private Secretary,
Office of Principal General Manager Telecommunications,
BSNL Bhavan, Ernakulam, Kochi – 682 016.
Residing at Quarters No.D-8, BSNL,
Officers' Quarters, Gandhi Nagar, Kochi – 20.
14. Marykutty K.J., W/o.D.Thomas,
Working as Private Secretary,
Office of Deputy General Manager (CFA-NWO),
MEA, BSNL, Panampilly Nagar, Choice Building,
Ernakulam, Kochi – 682 036.
Residing at 32/2011, Netaji Road,
Edappally PO, Ernakulam, Kochi – 682 024.
15. Induchoodan N.V, S/o N.K Vasudevan,
Working as Private Secretary,
Office of General Manager, Mobile Service,
Telephone Exchange Building,
Panampilly Nagar, Kochi – 682 036.
Residing at 28/1546 "HEISEI",
Kadavanthra, Kochi – 682 020.
16. K.J George, S/o late M.John,
Working as Private Secretary,
Office of the General Manager
Telecom District, BSNL, Kollam – 691 012.
Residing at "Kadayil, Aradhananagar 62,
Near Sanker's Hospital, Kollam – 691 001.
17. N.P.Thomas, S/o. late Sri N.V Pathrose
Working as PS, Office of the Deputy Director General TERM,
Ernakulam on working arrangement from
Ernakulam SSA of Kerala BSNL Telecom Circle.
Residing at House No.30/1953, Near Rice Research Station,
Ponnurunni, Cochin – 19.
18. C.N John, Son of C.V Ninan
Working as Private Secretary in the office of the
General Manager Telecom, BSNL, Tiruvalla.
Residing at Chullikkattil House,
Niranam P.O, Tiruvalla, Pathanamthitta District.
19. Geetha S Nair, Wife of Shri G Sasikumar
Working as PS to DGM (Plg & Admn.)
Office of the Principal General manager,
Telecom, BSNL, Kottayam 1.
Residing at Anjali House, Pallom P.O,
Kottayam District.



20. E.N Sathy, W/o. T.S Viswanathan
Retired PS to AM Telecom, Aluva.
Residing at 2/8, Town Limit Road,
Patterippuram, Aluva – 683 101.
21. N.P Aleyamma, W/o.K.P Abraham
Residing at Kanneth House,
Mudavoor, Muvattupuzha.
Working as Personal Assistant,
Office of the Area Manager, Muvattupuzha.
22. Ramanunny P.S., S/o.late Sankappan
Working as PS to DGM (F & A),
office of the PGMT, Thrissur – 680 022.
Residing at TC 49/1362, Aranattukara,
Aranattukara Village, Aranattukara Taluk,
Thrissur-680 618.
23. Sulochana S. Nair, W/o. Sri Sukumaran E.,
Working as Personal Assistant,
Office of the DE Telecom, Ottappalam (Palakkad SSA).
Residing at Madhavam , Palappuram P.O
Ottappalam, Palakkad District.
24. M.V John, S/o.M.L Vareed,
Working as Personal Assistant,
Office of the PGMT, Trichur, Kerala.
Residing at Malakaran House,
East Chalakudy Village, Thrissur District.
25. N Kuttappa Panicker, S/o.Shri Narayana Panicker,
Working as PA to DGM (Fin.)
Office of the General Manager,
Telecom, BSNL, Alappuzha.
Residing at Nalayyathu House, Cherukunnam
Thekkedukkara P.O, Mavelikkara 690 007.
26. Bridget Cyriac, W/o.C.M Cyriac
Working as PA to Dy.Genaral Manager (Fin.),
Office of the Principal General Manager,
Telecom, BSNL, Kottayam.
Residing at Chirayil House,
Malloosery P.O, Kottayam – 41.
27. Manoharan R, S/o.K Raghavan,
Working as Personal Assistant,
Office of Divisional Engineer Telecom, Kayamkulam.
Residing at Chithira, Thamallackal P.O,
Alappuzha – 680 549.

28. Krishnankutty K, S/o.Late V Madhavan Nair,
Working as Personal Assistant,
Office of the Principal General Manager Telecom,
BSNL, Thrissur – 680 022.
Residing at Kavingal House, Peringanoor,
Peramangalam P.O, Thrissur District.
29. K.K Mathew, S/o.Late K.G Kochummen,
Working as PA, Office of the DET Adoor.
Residing at Keeperil, Puthumala P.O, Adoor.
30. C.A Jose, S/o.C.D Antony,
Working as PA, office of the GMT, Malappuram.
Residing at Chungath House, Nellikunnu,
Nadathara Village, Thrissur Taluk.
31. Jolly Kuriakose, D/o.A.J Varghese,
Residing at Pulari, T.P Road,
Chevarambalam, Calicut – 673 017.
Working as Personal Assistant,
Office of the Principal General Manager
Telecommunications, BSNL,
Balan K.Nair Road, Kozhikode.
32. Nandanam NS, S/o.N Sekharan Pillai,
Working as PA to DGM (Plg & Instn.),
Office of the PGMT, Ernakulam, Kochi – 682 016.
Residing at Kapilavasthu, CMC 14,
Maruthorvattom, Cherthala – 688 545.
33. P.K Surendran, S/o.P.N Kunjukrishnan,
Working as PA to Dy.General Manager (FA),
O/o CGMT, BSNL, PMG Junction, Trivandrum – 33.
Residing at Aswathy, S.P36/1,
Vikas Nagar, Sreekaryam P.O, Trivandrum – 695 017.
34. K Venugopalan, S/o Late P Gopalan Nair,
Working as PA, Office of the Area Manager,
Telecom, Manjeri, Malappuram.
Residing at BSNL Quarters, College Road P.O.
Manjeri – 676 122.
35. Ayyappan Nair.A.P, S/o.Late A Parameswaran Nair,
Working as Personal Assistant,
Office of the Divisional Engineer Telecom, BSNL,
Vadakkanchery, Thrissur District.
Residing at Attur House (Sai Lakshmi Kripa),
Chulissery P.O, Mundur via, Thrissur.

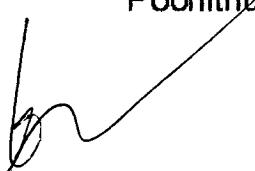


36. Abraham K.M, S/o.K.A Mathew,
Personal Assistant (Retd),
Office of Principal General Manager
Telecommunications, BSNL, Kottayam District.
Residing at Kavumgal House, Vadavathoor PO,
Kottayam – 686 010.
37. Mallika Ramakrishnan, W/o A.K Ramakrishnan,
Working as Personal Assistant,
Office of Deputy General Manager (now),
BSNL, Thalassery.
Residing at Mallika Bhavan,
Kodiyeri P.O, Paral, Kannur- 670 671.
38. Ravindran V, S/o.V Ambu,
Working as Personal Assistant,
Office of General Manager Telecommunications,
BSNL Bhavan, South Bazar, Kannur-2.
Residing at IV/2, BSNL Quarters,
P.O Civil Station, Kannur-2.
39. Padmanabhan.A.N, S/o K Narayanan,
Working as Personal Assistant,
Office of Principal General Manager Telecom,
BSNL, Ernakulam, Kochi – 682 016.
Residing at Arun Nivas, Valamboor,
Mazhuvannoor P.O, Ernakulam District.
40. K Vijayalakshmy, D/o.late P Manickyan Nair,
Working as Personal Assistant,
O/o.Principal General Manager, BSNL, Thrissur
Residing at Lekshmi, Chungam, Karukulengara,
Kattoor road, Irinjalakuda P.O, Thrissur.
41. Raichel Jose, D/o.late M Samuel,
Working as PA, office of the General Manager,
Telecom, BSNL, Tiruvalla.
Residing at Nadavallil House,
Karipuzha P.O., Mavelikkara.
42. Asokan Nair.A.K,
S/o Late V.S Parameswaran Nair,
Working as Personal Assistant,
Office of the Chief General Manager
Telecommunications, BSNL Kerala Circle,
Trivandrum – 695 033.
Residing at TC – 15/3102,
(Old TC-13/76(1), Karthika, Pallimukku,
Petta P.O, Trivandrum – 695 024.



43. Soman Raghavan, S/o Late K Radhavan,
Working as Personal Assistant,
Office of Chief General Manager Telecommunication,
BSNL, Trivandrum – 695 033.
Residing at D-4 BSNL Staff Quarters,
Paruthippara, Nalanchira P.O,
Trivandrum – 15.
44. Johny Kutty P.L, S/o P.C Lukose,
Working as Personal Assistant,
Office of General Manager Telecommunications,
BSNL, Kollam.
Residing at Thekkepunnavila, S.S Bhavan,
Kaithakuzhy, Adichanalloor P.O, Kollam.
45. Leela.O.S, W/o.N.K Asokan,
Working as Personal Assistant,
Office of Principal General Manager Telecommunications,
BSNL Bhavan, Ernakulam, Kochi – 682 016.
Residing at 31/795 Nambiath, Thidunnayil Lane,
Vyttila, Kochi – 682 019.
46. Lisiyama Joseph, W/o.K.T Thomas,
Working as Personal Assistant,
Office of the Principal General Manager, Telecom,
Balan K Nair Road, Kozhikode.
Residing at D-6, BSNL Officers Quarters,
Chevayoor, Calicut – 17.
47. K.S Balachandran, S/o. Late V.P Menon,
Working as Personal Assistant
to Divisional Engineer, Phones-II (External) Trichur.
Residing at Vallath House, Viyur P.O,
Thrissur – 680 010.
48. Lila Thomas, W/o. Shri Mathew Thomas,
Working as Personal Assistant,
Office of Area Manager, Telecom, BSNL,
Chinnakkada Telephone Exchange, Kollam – 01.
Residing at Terry Cottage, Valiyakambiyil,
Thrippilazhikom P.O, Kundara,
Kollam District – 691 509
49. Nandini Pradeep, D/o K.P Raman Nair,
Working as Personal Assistant,
Office of General Manager Telecom, BSNL,
RTTC, Kaimanam P.O, Thiruvananthapuram 695 040.
Residing at TC 51/529, GUHA, Mankulam Lane,
Pappanamcode P.O, Thiruvananthapuram – 695 018.

50. V.G Surendran, S/o late V.K Gopalan
Working as Personal Assistant to Vigilance Officer,
Office of Principal General Manager, BSNL, Thrissur.
Residing at Vellattuparambil House, Venginissery P.O
Thrissur – 680 575.
51. N Parameswara Iyer,
S/o. late P Neelakanta Iyer,
Working as Personal Assistant,
Office of the Principal General Manager
Telecom, BSNL, Kottayam.
Residing at Irupathil Madom, Monocompu,
Alleppey District.
52. N. Damodaran, S/o.P Narayanan Nair,
Working as Personal Assistant to Dy.General Manager,
(Planning), Office of General Manager Telecom,
BSNL Bhavan, Kannur-2.
Residing at BSNL Staff Quarters,
Type III/2, Kakkad, Kannur – 670 002.
53. K.P Venugopalakrishnan,
S/o.K.T Appukuttan Nair,
Working as Personal Assistant,
Office of Principal General Manager Telecommunications,
BSNL, Thrissur- 680 022.
Residing at Sreepadmam,
Pottore, M.G Kave P.O, Thrissur – 680 581.
54. A.D Thomas, S/o.M Devasia,
Working as Personal Assistant,
Office of the Principal General Manager
Telecom, BSNL Kottayam.
Residing at Alamparambil House, Near Parel Church,
Sanjeevani Hospital Road, Kurisukkoodu P.O,
Changanacherry 686 104.
55. M.T Sasidhara Menon,
S/o late P.G Thrivikrama Menon,
Working as Personal Assistant,
Office of Dy. General Manager (Radio Planning),
BSNL Mobile Services, 3rd Floor,
Telephone Exchange Building,
Panampilly Nagar, Kochi – 36.
Residing at 30/115, Sarika, Petta,
Poonithura – 682 038, Ernakulam District.



56. K.M Damodaran,
S/o. Late K.V Narayanan,
Working as Personal Assistant,
Office of Dy. General Manager (now),
Payyannur - 670 307.
Residing at Cheemeni,Cheemeni P.O,
Chervathur, Kasargod 671 313.
57. Nomy Mathew, W/o.Mathew,
Working as Personal Assistant,
Office of Deputy General Manager (CFA-NWO) MEA,
BSNL, Panampilly Nagar, Choice Building,
Ernakulam, Kochi – 682 036.
Residing at 28/2060 F, Mangat,
Chilavannoor Road, Kochi – 682 020.
58. N Haridasan, S/o. P Krishnankutty Nair,
Working as Personal Assistant,
Office of the General Manager, Telecom,
Konnola Towers, Down-hill, Malappuram.
Residing at Smruthi, H.No.37/1177,
Karuvissery P.O, Krishnan Nair Road,
Calicut – 10.
59. Rosy Vareed, S/o. late T.V Anthappai,
Working as Personal Assistant,
Office of Divisional Engineer
Telecom, Irinjalakuda.
Residing at Perappadan House,
East Kombara, Irinjalakkuda – 680 121,
Thrissur District.
60. Hubert Libert, S/o. Libert Mathews,
Working as Personal Assistant,
Office of Principal General Manager
Telecommunications, BSNL,
Trivandrum – 695 001.
Residing at Sreeragam House,
Kottiyam P.O, Kollam.
61. Rosamma Rajan, W/o Rajan Varghese,
Working as Personal Assistant,
Office of Chief General Manager
Telecommunications, BSNL Kerala Circle,
Trivandrum – 695 033.
Residing at 10 Grace Ville, P & T Housing Colony,
Parottukonam, Trivandrum – 4.



62. Geetha H, W/o late S Harirangan,
Working as Personal Assistant,
Office of Chief General Manager
Telecommunications, BSNL Kerala Circle,
Trivandrum – 695 033.
Residing at TC 23/1126, Vyas 110,
Valiasala Street, Trivandrum – 695 033.

63. Thulasi Satheesh, W/o R Satheesh,
Working as Personal Assistant,
Office of General Manager
Telecommunications, BSNL, Kollam.
Residing at Sreevinayakom, Mudakkal East, Kollam. ...Applicants

(By Advocate Mr.Santhosh Mathew)

V e r s u s

1. The Chairman & Managing Director,
Bharat Sanchar Nigam Limited,
Corporate Office, Harish Chandar Mathur Lane,
New Delhi – 110 011.

2. The Chief General Manager Telecom,
BSNL, Kerala Telecom Circle,
PMG Junction, Trivandrum -33. ...Respondents

(By Advocate Mr.N.Nagaresh)

This application having been heard on 23rd January 2012 this Tribunal on the same day delivered the following :-

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant association with certain other applicants has filed this OA seeking the following reliefs :-

1. To call for the records leading to Annexure A-18, Annexure A-31, Annexure A-34, Annexure A-35, Annexure A-36, Annexure A-42 and Annexure A-43 and set aside the same.
2. To declare that the financial upgradation granted in the revised restructured IDA pay scale to the members of the applicant Association and other applicants under ACP scheme



as per Annexure A-4 and Annexure A-11 are to be protected while implementing the Executive Time Bound Promotion Policy.

3. To direct the respondents to permit the members of the 1st applicant Association and other applicants to opt for First Executive Time Bound Promotion under ETBP with effect from the date on which they were granted financial upgradation in the revised restructured IDA pay scale under ACP with effect from 1.1.2004 to 17.1.2007.

4. To direct the respondents to extend the same benefits which has been granted to the non-executives in the Non Executive Promotion Policy (NEPP) dated 23.3.2010 vide Clause 6.4 to the members of the applicant Association and to other applicants.

5. Such other reliefs that the Hon'ble Tribunal feel deem fit in the circumstances of the case.

6. Award cost of the application.

2. The respondents have, as one of the objections, raised the issue of locus standi of the said association to move this OA as one of the applicants. The locus of the other applicants has not, of course, been questioned.

3. The main order under challenge is Annexure A-18 and orders consequential thereto viz., Annexure A- 31, A-34, A-35, A-36, A-42 and A-43. Annexure A-18 bases its order on the following, as given in para 2 thereof :-

".....Letter No. 400-61/2004 Pers, dated 24-08-2007 in r/o counting of residence period w.e.f. 01-10-2000 for the first time bound promotion under Executive Promotion Policy is only for executives whose pay scales have been revised/upgraded by the Company after 01-10-2000. Since the applicants were Grade I/Grade II Stenographers, i.e. non-executive prior to restructuring of PA Cadre on 1-1-2004, this order is not applicable to them....."



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4. After the exchange of pleadings, when the case came up for hearing, counsel for the applicant submitted that vide Annexure R-1(f) of the Reply filed by the Respondents, the above position has undergone a change. The said Annexure R-1(f) dated 23-08-2011 inter alia reads as under :-

"The matter has been reviewed and it has now been decided with the approval of Competent authority that the benefit of counting of residency period is applicable to those Stenographers Grade-I and Grade – II of BSNL, fixed units who were made Pas (i.e. Executive) w.e.f. 1.1.2004 as a result of restructuring of the cadre." (emphasise in original)

5. With the above, according to the counsel for the applicant, the entire scenario having changed, the respondents have to review Annexure A-18 order and other impugned orders passed as a sequel thereto. As such, the OA could be closed with a direction to the respondents to consider the same and further option be allowed to be exercised by the applicants as prayed for vide para 8(III) of the O.A. In addition, the counsel prayed that the respondents be directed to give audience to the applicants (through their representatives)

6. Counsel for the respondents submitted that first of all, the Association which has filed the OA is not recognized. As regards Annexure R-1(f), the counsel further stated that the same cannot be read in isolation, but has to be read in conjunction with Annexure R-1(g) which puts certain fetter upon the fixation of pay of the Stenographers to the following extent :-



.....However, the pay of these officials shall continue to be fixed in their respective non-executive pay scales prior to 1-1-2004 (i.e. 01-10-2000 to 31-12-2003) and as ordered in this office order No. 400-61/2004 Pers-I dated 24-08-2007, **there would not be any notional fixation of pay etc., in the Executive/PA grade from 1-10-2000 to 31-12-2003 in respect of these officials.**" (Emphasis original)

7. Further, the counsel submitted that it cannot be possible to give audience to all the applicants. Counsel for the respondents has no objection in respect of the case being disposed of taking judicial notice of the development that has taken place as stated above and with attendant directions if any, to meet the ends of justice.

8. The above submissions have been taken judicial note of and the case is disposed of with the following directions :-

(a) Without dealing with the locus of the Association, applicant No. 1 to file the case, this OA is disposed of.

(b) The respondents shall act on the basis of the further development that has taken place vide Annexure R-1(f) and review the impugned order at Annexure A-18 and its consequential orders.

(c) While so reviewing and before arriving at a conclusion, applicants be given audience by entertaining a limited number of representatives (one or two) of the applicants, (the same could be either the applicants in this OA or any other employee of the BSNL, duly authorized by the applicants) and their submissions be also taken into consideration.

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(d) The question relating to option to be exercised shall also form part of the discussions between the parties.

9. This order is passed keeping in view the provisions of Rule 24 of the Central Administrative Tribunal (Procedure) Rules, 1987 to "secure ends of justice".

10. No costs.

(Dated this the 23rd day of January 2012)


K.NOORJEHAN
ADMINISTRATIVE MEMBER


Dr.K.B.S.RAJAN
JUDICIAL MEMBER

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