



भारत संचार निगम लिमिटेड

(भारत सरकार का उपक्रम)

BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

No. 250-32 /2014-Estt. III

Dated the 4.12.2017.

To

Heads of Telecom. Circles/Telephones Districts,
B.S.N.L. (thru' intranet)

Subject : Implementation of order dated 25.8.2011 of Hon'ble High Court of Kerala in O.P(CAT) 984/2010 consequent upon dismissal of SLP(C) No. 13030/2012 by the Hon'ble Supreme Court of India vide order 12.7.2016.

I am directed to refer to this office letter of even number dated 9.3.2017 on the above subject and to say that the manner as to the payment of actual benefits to such Stenographers Grade III as are promoted to the post of Stenographer Grade II in terms of the said order has been engaging attention. The matter has been considered in consultation with Personnel Branch.

It has been noted that the Hon'ble Supreme Court of India in their judgement dated 28.3.1989 rendered on a similar issue in Paluru Ramakrishnaiah & Ors etc. Vs UoI & Anr, had held that Petitioners are not entitled to claim any financial benefit retrospectively which in turn was based on the "settled service rule that there has to be no pay for no work, i.e., a person will not be entitled to any pay and allowances during the period for which he did not perform the duties of a higher posts". The benefit envisaged in the scheme of promotions to Stenographer Grade II with effect from 31.12.2003 in terms of letter of even number dated 9.3.2017 are retrospective in nature and by extension lends itself to the application of principles laid down by Hon'ble Supreme Court of India in the aforesaid judgement.

Accordingly, benefits of pay fixation to such officials, as are promoted to Stenographer Grade II in terms of order dated 9.3.2017, will be admissible notionally with effect from 31.12.2003 and actually from prospective date of promotion, i.e. from the date of issue of orders of promotion. Payments made otherwise than in the manner indicated above, may be reviewed and excess payment, if any, may be recovered from the officials concerned.

Further, retired officials are also to be considered by the DPC and their names included in the panel(s) but such retired officials have no right for actual promotion.

This is issued with the approval of the competent authority.

(Zanal Zachariah)
Asstt. General Manager(Estt. III)

Copy to :

1. AGM(Personnel II), B.S.N.L., C.O. for information.