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भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

No: 404-31/2010-Pers.(Legal)

Dated: 20.03.2017

[Court Case]

To,

All Heads of Telecom Circles and
Administrative Units of BSNL.

Subject: Common Judgment dated 02.03.2017 passed by Hon'ble High Court of Madras in WP No. 25303/2013 (filed by BSNL) & 28950/2013 (filed by Sh. S.Ganesh) challenging the order dated 23.02.2012 of CAT Madras Bench in OA No. 441/2010 regarding.

Sir,

I am directed to refer to the subject mentioned above and to enclose a copy of a common Judgment dated 02.03.2017 passed by the Hon'ble High Court of Madras in WP No. 25303/2013. Both the abovesaid WPs were filed challenging the order dated 23.02.2012 of CAT Madras Bench in OA No. 441/2010 wherein the Hon'ble CAT had set aside Clause 1 b 3.1 of the EPP dated 18.01.2007 to the extent it refers to *the grant of upgradation on completion of four years of service in the current IDA scale subject to the condition that the Executive's basic pay in the current IDA scale has crossed/ touched the lowest of the higher IDA scale for his/ her upgradation is to be considered. The rest of the portion of the provision of Clause 3.1 will remain unaffected.*

2. The issue in question before the Tribunal and the High Court was whether the prescription of different eligibility of 4 years of service or 6 years of service in the current IDA scale, as the case may be, for 1st time bound promotion of executives under clause 3.1 of OM No. 400/61-2004-Pers.I dated 18.01.2007 is violative of Article 14 & 16 of the Constitution of India.

3. The Hon'ble High Court of Madras, vide judgement dated 02.03.2017 has set aside the order dated 23.02.2012 of CAT Madras and upheld the Clause 1 b 3.1 of EPP dated 18.01.2017 with the following directions:

"19. We are unable to persuade ourselves to accept the decision of the learned Tribunal which decision is far from satisfactory and at any event, it cannot be sustained in law. The conclusion of the learned Tribunal is without any legal basis and without any valid reasons and therefore, we are left with no option except to set aside. Accordingly, we hereby set aside the order passed by the learned Tribunal passed in O.A.No.441 of 2010 dated 23.2.2012. Consequently, the Original Application filed by the applicant is dismissed.

In the result, the Writ Petition in W.P.No.25303 of 2013 is allowed and the Writ Petition in W.P.No.28950 of 2013 is dismissed. No costs."

This may be brought to the notice of all concerned authorities for information and defending similar cases, if any, at present/ future.

Encls: as above.

Yours faithfully,

[Pitambar Sahoo]

Asstt. General Manager(Pers. Legal)