

BSNL EMPLOYEES UNION

Recognised Union in BSNL

(Registered Under Indian Trade Union Act 1926. Regn.No.4896)

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BSNLEU/421(ALLOW)

12.12.2019

To,

Shri Arvind Vadnerkar,
Director (HR) BSNL,
Bharat Sanchar Bhawan,
Janpath, New Delhi – 110 001

Sir,

Sub: - **Requesting for the restoration of the Special Duty Allowance to the BSNL employees posted in the North East Region, by withdrawing the BSNL CO letter dated 06.11.2019 – req.**

Ref: - (i) BSNL CO letter no.39-8/2001/TE-II/(Pt.II) dated 06.11.2019.
(ii) BSNL CO letter no.269-1/2001-Pers.IV/TE-II dated 24.12.2004.
(iii) Department of Expenditure letter no.11(5)/2008-E.II(B) dated 29.08.2008
(iv) BSNL CO letter no.1-33/2008-PAT (BSNL)/Comp. Allowance/4 dated 04.09.2009.
(v) BSNL CO letter no.1-16/2010-PAT(BSNL) dated 07.05.2010.

We wish to draw your kind attention to a grave injustice that has been meted out to the BSNL employees posted in the North East Region, by way of the withdrawal of the Special Duty Allowance that had been paid to them. In this connection, we wish to submit the following details for favour of your kind consideration and for taking an early and appropriate decision.

A demand for Special Duty Allowance (SDA) @25% of basic pay to the Central Government employees working in NE Region was pending with the Central Cabinet for a long time. In 1983, the scheme of **Special Duty Allowance (SDA)** was implemented for the Central Government employees having "All India Transfer Liability", on being posted in the NE Region, from outside the Region.

Since, the order on Special Duty Allowance (SDA) was applicable only for the employees who have All India Transfer Liability, the unions from the Department of Telecom, NE Region, filed a case in the Hon'ble CAT, Guwahati, for extension of SDA to Group 'C' and 'D' employees working in NE region. The Hon'ble CAT gave a judgement in favour of the employees, as a result of which all employees including Group 'C' and 'D' working in NE region were being paid SDA w.e.f. 1983, with an undertaking that, the payment will be subject to the outcome of an appeal filed by the Department in the Hon'ble Supreme Court of India.

After formation of BSNL, BSNLEU of both NE and Assam circles, held discussion with the then CMD BSNL, Dr.D.P.S. Seth, for regularisation of the Special Duty Allowance, to all the categories of employees working in NE Region of BSNL. He agreed to consider the demand, since he had the experience of working in the Region. Consequently, a decision was taken by the BSNL Board for payment of SDA to all categories of employees working in BSNL, on their absorption in BSNL w.e.f. 01.10.2000.

Later on, vide the order cited under reference (ii) above, the Corporate Office issued the following instructions:-

- (i) The employees having All India Transfer liability, on posting in the NE Region, from outside the region, will continue to get SDA in accordance with the Ministry of Finance orders.
- (ii) Payment of SDA to all ineligible staff stand discontinued w.e.f. 06.10.2001 as per MoF instructions quoted in para 4 above.
- (iii) The BSNL employees working in NE Region, who are not eligible for SDA in accordance with the MoF instructions, will be entitled to get Hardship Compensation @12.5% of basic pay, subject to maximum of Rs.1,000/- P.M., w.e.f. 07.02.2004. The SDA already paid, if any, to these ineligible officials on or after 06.10.2001 till 06.02.2004 will be waived off. However, recoveries, if any, already made need not be refunded. Accordingly, the employees working in NE Region started getting Hardship Compensation.

In 2008, the Government of India, vide it's letter cited under reference (iii) above, directed that the SDA at 12.5% of basic pay, shall be admissible to the Central Government employees, irrespective of whether the transfer (including on initial appointment) is from outside the NE Region or from another area of that region. The condition of All India Transfer Liability was also dispensed with.

In BSNL, the Executives have been given Special Duty Allowance (SDA) @12.5% of revised basic pay in NE Region (including Sikkim) and Ladakh, vide BSNL office order number cited under reference (iv) above. It is mentioned that, the attendant conditions prescribed in Department of Expenditure OM No.11(5)/2008-E II(B) dated 29.08.2008 will be applicable. Thereafter, the Special Duty Allowance was extended to the Non-Executives also, on revised basic pay, vide BSNL CO order cited under reference (v) above. Here, it is mentioned that the eligibility and attendant condition will be applicable as in the case of BSNL Executives. All the above orders from Government of India and BSNL CO have been implemented for BSNL employees working in NE Region.

However, the letter cited under reference (i) above, has now created a problem for the employees working in the NE Region. This letter states that, BSNL employees are not entitled for the Special Duty Allowance (SDA) and that, they are only entitled for Hardship Compensation, with a ceiling limit of Rs.1,000/- P.M. We express our strong protest for this decision of the Corporate Office. The Hardship Compensation has already been dispensed with, by the BSNL CO letters cited under reference (iv) & (v), for which the approval of the Board of Directors of BSNL has been communicated.

Thus, the two orders cited under reference (iv) & (v) above, have already superseded the order issued on 24.12.2004. Therefore, the order issued on 06.11.2019, substituting the Special Duty Allowance (SDA) with Hardship Compensation, is totally flawed.

In view of the foregoing, we earnestly urge upon you to issue necessary instruction for the early withdrawal of the order dated 06.11.2019 and for the restoration of the Special Duty Allowance. We sincerely hope that needful action would be taken expeditiously in this regard.

Thanking you,

Yours sincerely,



[P. Abhimanyu]
General Secretary

Copy to: - Shri Saurabh Tyagi, Sr.GM(Estt.), BSNL CO., Janpath, New Delhi.