



P. Abhimanyu
General Secretary

BSNL EMPLOYEES UNION

Central Head Quarters

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23.03.2021

BSNLEU /418 (IDA)

To,

Shri P.K. Purwar
CMD BSNL,
Bharat Sanchar Bhawan,
H.C. Mathur Lane, Janpath,
New Delhi – 110 001

Sir,

Sub: - **Non-implementation of the order dated 17th February, 2021, issued by the Hon'ble Kerala High Court, in the WP(C) No.29212/2020 (B) – req.**

Ref: - **DPE letter no.W-05/0004/2021-DPE(WC) dated 09th March, 2021.**

With reference to the above, we wish to bring the following to your kind notice for favour of necessary action.

The DPE, vide it's letter no.W-02/0039/2017-DPE(WC)-GL-XVI/20 dated 19th November, 2020, has frozen the Dearness Allowance to be paid to the employees of the CPSEs, becoming due from 01.10.2020, 01.01.2021 and 01.04.2021. However, it is also mentioned in para three of this letter that, the guidelines for freezing of the IDA "shall be applicable in case of Executives and Non-Unionised Supervisors of CPSEs....".

However, it is regretted that, the BSNL Management has indiscriminately frozen the IDA of the Non-Executives also. 5.5% of IDA has become due w.e.f. 01.10.2020. However, this instalment of the IDA has not been paid to the Non-Executives of BSNL. Under these circumstances, BSNL Employees Union filed a writ petition [WP(C) No.29212/2020(B)] in the Hon'ble Kerala High Court. After detailed hearing, the Hon'ble High Court of Kerala issued an order on 17th February, 2021, wherein it is stated that, the letter of the DPE, freezing the IDA, is applicable only to the Executives and Non-Unionised Supervisors of the CPSEs and that, the benefit of Dearness Allowance should not be denied to the members of the Petitioner Union.

After the aforementioned order is issued by the Hon'ble Kerala High Court, the DPE, vide it's letter cited under reference, addressed to the Secretary, Department of Telecommunication, has stated that, the DA rate for workmen/non-executives is governed by the Wage Settlement between the Trade Union/Association and the Management of the CPSE concerned. The DPE has further stated that, it has no role in Wage Negotiation and has requested the DoT, the administrative department of BSNL, to take necessary action.

It is needless to state that, more than a month has already elapsed after the delivery of the judgement by the Hon'ble Kerala High Court. However, the 2 instalments of IDA, i.e., 5.5% w.e.f. 01.10.2020 and 6.1% w.e.f. 01.01.2021, that have already become due, have not been paid to the Non-Executives working in BSNL. The Hon'ble Kerala High Court has already held that, the Non-Executives of BSNL are not covered by the 'IDA freezing order' of the DPE. Further, the DPE has already informed the DoT that, it has nothing to do with the payment of IDA of the Non-Executives of BSNL.

Under the above mentioned circumstances, it has become crystal-clear that, action has to be taken only by the BSNL Management, for the implementation of the order of the Hon'ble Kerala High Court. We also wish to bring to your kind notice that, the CMD BSNL is also a respondent in the WP(C) No.29212/2020(B). Hence, non-implementation of the order of the Hon'ble Kerala High Court, by the CMD BSNL, is tantamount to contempt of court. In view of the foregoing, I implore upon you to take necessary steps for the immediate payment of 5.5% IDA w.e.f. 01.10.2020 and 6.1% IDA w.e.f. 01.01.2021, to the Non-Executives of BSNL.

Thanking you,

Yours Sincerely,

[P. Abhimanyu]
General Secretary

Encl: (1) Copy of the order dated 17th February, 2021, issued by the Hon'ble Kerala High Court, in the WP(C) No.29212/2020(B).
(2) DPE letter no.W-05/0004/2021-DPE(WC) dated 09th March, 2021.

Copy to: (1) Ms. Yojana Das, Director (Finance), BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi – 110001
(2) Shri Arvind Vadnerkar, Director (HR), BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi – 110001