

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 1892 OF 2017**

**IN
SUIT (L) NO. 508 OF 2017**

Mahanagar Telephone Nigam Ltd. Applicant /
Original Plaintiff

In the matter between

Mahanagar Telephone Nigam Ltd. Plaintiff

V/s


United Forum of MTNL Unions & Associations

MTNL., Mumbai & Ors. Defendants

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Place:-Mumbai
Date: 10th Feb 2018


(Shalaka A. Gujar-Karande)
Advocate for Defendant No. 5

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AFFIDAVIT OF COMPLIANCE BY DEFENDANT NO.5

I, Monali P. Dhakate, Controller of Communication Accounts, of Department of Telecommunication, Government of India, having my office at Office of Principal Controller of Communication Accounts, 3rd Floor, C-Wing, BSNL Administrative Building, Juhu Tara Road, Santa Cruz(West), Mumbai – 400 054, do hereby solemnly affirm and state as under:

1. At the outset, I unconditionally apologise for the delay in compliance with the Order dated 7th November 2017.

2. The Order dated 07th November 2017 has now been complied with. The decision has been taken by the Government on the proposal of MTNL. The decision has been communicated to the Advocate for the Plaintiff as well as to the Plaintiff. The same was communicated to the Plaintiff by a letter dated 8th February 2018. The delay in compliance has been on account of the procedure to be followed in the decision making process. Hereto annexed and marked **Exhibit "A"** is a copy of the communication dated 8th February 2018.


3. By an Order dated 6th February 2018, this Hon'ble Court has taken note of the non compliance of the Order dated 7th November 2017. This Hon'ble Court has directed Secretary, Department of Telecommunications to remain present before this Hon'ble Court. It is humbly prayed that the Order dated 7th November 2017 has been complied with. Hence the presence of the Secretary, Department of Telecommunications on 12th February 2018 may be dispensed.

Solemnly affirmed at Mumbai

Dated this ~~08th~~
10th day of February , 2018



Advocate for the Defendant No. 5


10/2/18
Deponent
Controller of Communication Accounts.
Maharashtra Circle, Old CTO Bldg.,
2nd Floor, Mumbai-400 001.

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Ori. Plaintiff

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MTNL., Mumbai & Ors. Defendants

AFFIDAVIT

DATED: This 09th day of February, 2018

Shalaka A. Gujar-Karande
Advocate for Defendant No. 5
3rd Floor, Empire House,
A.K.Nayak Road, Opp New Excelsior
Cinema, Fort, Mumbai-400001.
Adv Code: I 13940

No. 11-1/2009- SU-II
Government of India
Ministry of Communication & IT
Department of Telecommunications

1206, Sanchar Bhawan, New Delhi
Dated: 8th February, 2018

To,

The CMD,
Mahanagar Telephone Nigam Limited (MTNL),
5th Floor, Mahanagar Door Sanchar Sadan,
9, CGO Complex, Lodhi Road,
New Delhi-110 003.

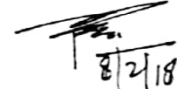
Sub: Proposal to extend Benefit of merger of 50% DA effectively amounting to 78.2% as on 01.01.2007 to MTNL employees - regarding.

Sir,

I am directed to refer to your letter No. MTNL/CO/IRW/21(82)/2015 dated 04.03.2016 and dated 15.12.2016 and to say that the proposal to extend benefit of merger of 50% DA effectively amounting to 78.2% as on 01.01.2007 to MTNL employees may be processed in light of Department of Public Enterprises (DPE), O.M. No. 2(70)/08-DPE (WC) dated 26.11.2008 and dated 02.04.2009. MTNL has to bear the additional financial implication on account of pay revision from its own resources and no budgetary support shall be provided by DoT.

2. This issues with the approval of Secretary (T).

Yours faithfully,



(Pawan Gupta)
Director (PSU-I)
Tel: 23036019
Fax: 23372493

EXHIBIT 'A'

No. 11-1/2009-SU-II
Government of India
Ministry of Communication & IT
Department of Telecommunications

1206, Sanchar Bhawan, New Delhi
Dated: 5th January, 2017

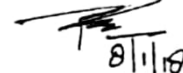
To,
The CMD,
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9, CGO Complex, Lodhi Road,
New Delhi-110 003.

Sub: Proposal to extend Benefit of merger of 50% DA effectively amounting to 78.2% as on 01.01.2007 to MTNL employees - regarding.

Sir,

I am directed to refer to your letter No. MTNL/CO/IPW/21(82)/2015 dated 04.03.2016 and dated 15.12.2016 and to request you to submit a comprehensive proposal how MTNL can meet the expenditure of payment of merger of 50% DA effectively amounting to 78.2% as on 01.01.2007 to MTNL employees. The proposal should include how expenditure will be reduced with regard to its employees/staff cost.

Yours faithfully,



(Pawan Gupta)
Director (PSU-I)
Tel: 23036019
Fax: 23372493

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