

To

Sh. Prachis Khanna  
Director(Estt) and CPIO  
Department of Telecommunication  
Room No 1108, Sanchar Bhavan  
Ashoka Road, New Delhi 110001

o/c

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Date: 25-02-2015

**Sub: Request for Information under Right to information Act 2005**

Dear Sir,

I Sri Amit Kumar Gupta son of Late Jyotilal Gupta resident of 1/4 Rajendra Banerjee Road, Behala, Calcutta 700034, Telephone number 033 23464646, Mob 9433000088 wish to seek information as under. This is a fresh application in continuation of my earlier RTI application and reply from DoT.

1. Whether the Cabinet Memo dated 29-12-2010 of Department of Telecommunication which was approved by the cabinet on 15-1-2011 has been prepared with the positive consent of Bharat Sanchar Nigam Limited. Copy of such agreement may be given
2. Whether Bharat Sanchar Nigam Limited is agreeable with the provisions as mentioned in para 3.5 and as approved by the cabinet vide para 6.2 of the said cabinet memo. Copy of any document, note sheet, order accepting the provisions as mentioned in the Cabinet Memo by BSNL may be given.
- 3.a. Whether at present the expenditure for paying pension and family pension for BSNL pensioners has crossed the 60% limit as mentioned in para 3.5 of the above mentioned cabinet memo.
- 3.b. If the answer of 3.a. is 'yes' then the extent by which the expenditure has exceeded the 60% limit.
- 3.c. Kindly furnish the information on year wise collection on i) Divident income from BSNL, (ii) License fee from BSNL and (iii) Corporate Tax/Excise duty/ Service Tax paid by BSNL and year wise expenditure made by DOT for payment of pension from 01-10-2010.
- 3.d. Kindly furnish the information on the year wise payment made by BSNL from 2000 to 2014 on pension contribution head.
4. a. Whether BSNL is paying the exceeded amount for paying of pension as per the provision of the above mentioned cabinet memo (para 3.5)?
- 4.b. If answer of question 4.a. is "No", then Whether any claim has been raised by DoT to BSNL till now ? Copy may be given

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4.c. In case BSNL not paying the exceeded amount beyond 60% as per the provision of above mentioned cabinet memo, how DoT is paying full pension to BSNL pensioners?

4.d. Whether any special approval is being taken for payment of the exceeded pension of BSNL pensioners. ? How many times such approval is taken. Copy of such approval (note sheets) may be given.

5. The provision of the cabinet memo dated 29-10-2010 as approved by cabinet on 15-01-2011, has a contradiction with the provisions of Rule 37A of CCS Pension Rules 1972; clause 21 & 22 where BSNL's responsibility was only to pay the pension contribution as per rules and Government's responsibility was to pay the pension. Whether DoT is planning to amend the Rule 37A of CCS Pension rules 1972 in accordance with the para 3.5 & 6.2 of the above mentioned cabinet memo dated 29-10-2010 ?

6. If answer to the question 5 is 'no', then kindly intimate the reason(s) of including the provisions in para 3.5 of the said cabinet memo and making BSNL responsible for pension payment of the exceeded amount (beyond 60%) of BSNL pensioners.

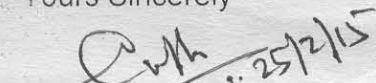
7. When (date) this proposal as mentioned in para 3.5 & 6.2 of the cabinet memo was moved in DOT. On which date it was approved by the competent person within DOT. Copy of the note sheets of the concerned file may be supplied.

I, inform that following formalities have been completed by me.

- a) I have attached the requisite fee of Rs 10/- in form of Postal Order favouring PAO(HQ), Department of Telecom, New Delhi 110001 No 07F 677661
- b) I am also enclosing **two additional IPO of Rs 10/- each** towards the costs if any for the documents sought by me Nos 07F 677662 & 07F 677663 For further amount I may be asked pl.
- c) I am a citizen of India and asking the information as citizen
- d) I assure that I shall not allow/ cause to use/ pass/share/display/ or circulate the information received in any case and under any circumstances, with any person or in any manner which would be detrimental to the Unity and Sovereignty or against the Interest of India

Thanking You,

Yours Sincerely

  
(Amit Kumar Gupta)

1/4 Rajendra Banerjee Road  
Behala, Kol 700034

Mob: 9433000088, e mail : [sdebhl@yahoo.co.in](mailto:sdebhl@yahoo.co.in)

No. 47-35/2014-Pen(T)  
Government of India  
Department of Telecommunications  
(Pension Section)

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New Delhi, dated the 26 March, 2015.

✓ Shri Amit Kumar Gupta,  
¼, Rajendra Banerjee Road, Behala,  
Kolkatta 7000034.

Subject : Seeking information under RTI Act, 2005 – Case of Shri Amit Kumar Gupta.

Kindly refer to your application dated 27.02.2015 received in this Office on 27.02.2015 seeking information under the RTI Act, 2005.

2. In this regard, the point wise information is as follows:

**Point No. 1 & 2.** Cabinet Memo dated 29.10.2010 was prepared with concurrence of Accounts Branch/Finance Branch, DOT and in consultation with concerned Govt. departments viz; Dept of Legal Affairs, DOP&PW, Dept of Expenditure and Dept of Public Enterprises and not with BSNL.

**Point No. 3 to 4** In this regard, it is stated that since the subject matter relates to Budget Section of DOT, your application is being transferred under Section 6(3) of the RTI Act to the concerned CPIO for furnishing the requisite information directly to you.

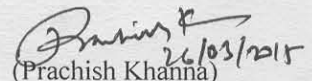
**Point No. 5 & 6.** Rule 37A of CCS Pension Rule, 1972 was notified by DOP&PW. Any modification in the said rules is beyond the purview of this Department. As regards 'reasons' for any action/inaction, the same is not covered under the definition of information as defined in the RTI Act. This has been clarified by DOPT vide O.M.No. 1/7/2009-IR dated 1.6.2009, highlighting the judgement dated 3.4.2008 of the High Court of Bombay at Goa in W.P. No. 419 of 2007 in the case of Dr. Celsa Pinto Vs. Goa State Information Commission, the relevant part of which is reproduced below:

“The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are mater within the domain of adjudicating authorities and cannot properly be classified as information.”

**Point No. 7.** The proposal was moved on 29.04.2010 and it was approved by MOC & IT on 22.07.2010. The copies of note sheet of the concerned file as requested by you in your RTI application will be furnished to you on remittance of Rs. 20/- (Total 10 page @ Rs 2/- per page).

3. Appeal against this reply, if any, may be preferred before Shri Rajveer Singh, DDG (Estt) & Appellate Authority, Department of Telecommunications, Sanchar Bhawan, 20, Ashoka Road, New Delhi- within 30 days of the receipt of this letter.

Yours faithfully,

  
(Prachish Khanna) 26/03/2015

Director (Estt) & CPIO  
Tel: 2303 6500

Copy to: Shri S L Meena, Director (TPF, TR-T, BP) & CPIO alongwith a copy of the RTI application dated 27.02.2015 of Shri Amit Kumar Gupta transferred under Section 6(3) of the RTI Act, 2005 for furnishing the requisite information in respect of point No. 3 & 4 of the application directly to the applicant.