



**ALL INDIA RETIRED
BHARAT SANCHAR NIGAM LIMITED
EXECUTIVES' WELFARE ASSOCIATION
CHQ, New Delhi**

Report of the General Secretary

**S.P.B. 87 Hotel17A/2,W.E.A., Near Metro Station,
Karol Bagh, New Delhi-110055**

ON

06.08.2022 & 07.08.2022

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BHARAT SANCHAR NIGAM LIMITED
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**Report of the General Secretary placed in the Central Working Committee Meeting of
AIRBSNLEWA held on 06th and 07th August 2022 at S.P.B. 87 Hotel 17A/2,W.E.A.,
Near Metro Station, Karol Bagh,
New Delhi-110055**

Respected President and Dear Comrades,

We are meeting here at New Delhi, the National Capital city of India, for the first Central Working Committee (CWC) Meeting of All India Retired Bharat Sanchar Nigam Limited Executives' Welfare Association, after the 3rd All India Conference held at Vijayawada, Andhra Pradesh in the month of July 2019. In this CWC, we may like to discuss & decide future plan of actions on Organizational Matters, Status of Pension Revision, Status of various Court Cases and various other issues related to the BSNL Pensioners, etc. In this report, effort is being made to incorporate all the issues of importance to have a useful discussion.

1. Necessity of Retired Executives'/Non-executives' Welfare Association.

AIRBSNLEWA was registered on 11th November 2010 at New Delhi with the active efforts of Comrade Kishan Singh as General Secretary, Com. M L Sharma as President and Com. Mehra as Financial Secretary and with the active support of Com. Prahlad Rai as GS AIBSNLEA. Thereafter, AICs of AIRBSNLEWA were regularly conducted as and when AICs of AIBSNLEA were held at Nashik, Mysuru and Vijayawada. Unlike some of the other retired associations, we have foreseen the need of such retired association long back. This was due to the reason that while working for the Association of working executives as General Secretary of AIBSNLEA, it was noticed that many of the pensioners are struggling after their retirement to settle various grievances in their old age. Accordingly initiative was taken to form the AIRBSNLEWA at CHQ level by extending all the supports from AIBSNLEA which was led by myself. After my Superannuation on retirement I got elected unanimously as GS of our beloved association AIRBSNLEWA at Vijayawada in the 3rd AIC. Though AIRBSNLEWA is enrolling retired executives as life members, but the non-executives are also being enrolled as Associate members.

2. Organisational Set up

AIRBSNLEWA is having 3 tier organization set up with CHQ/Circle/District. On the organizational front, as on today, we have active Circle bodies at AP, Assam, Bihar, Delhi, Gujarat, Hariyana, Jharkhand, Kerala, Maharashtra, Odissa, Rajasthan, Tamil Nadu, Telangana, UP East, UP West, Uttarakhand and West Bengal. We need to expand the membership base by forming circle bodies in Karnataka circle, HP, J&K, MP, Chattisgarh, Punjab & A & N circles immediately. Organisational / Circle Secretaries need to take early initiative for forming of Circle/ District Bodies throughout the country, as large number of retirees are not members of any of the retired associations. We can have critical examination of our strength and weakness regarding actual efforts are being made to increase the membership in view of the mass VRS retirement. The proper corrective measures, wherever necessary, should be planned. Ensure regular and timely election of District / Circle bodies to provide transparent and democratic organization. CWC is to take decision on the various vital issues of pensioners.

3. Membership

The total membership of the Association is now Many Branches have not remitted the CHQ quota. All Circle Secretaries should ensure to clear the pending CHQ quota during this CWC meet itself. The membership reflects the strength of the organization and good financial position gives boost to the organizational activities. The Circle / District Secretaries are to give special attention on enrolling new members and collection of the subscription and remittance of quota.

4. Contribution towards legal fund

To protect the interest of the members, through the legal means, we need to spend substantial amount to the legal cases. We have requested for an amount of Rs.1000/- each from members towards the ongoing court cases of Pension Revision, DA arrears, etc, as special donation for court cases. But many Circles are yet to deposit the special donation to CHQ. Now, in the present scenario many court cases have already filed in different courts for which more and more funds are required to incur the legal fees of senior advocate to defend our plea in the court of law.

5. Regular election of Branch/Circle Body of AIRBSNLEWA: Most of the Branches/Circles, AIRBSNLEWA have conducted elections to form regular body by convening Branch / Circle conferences. Remaining Circles are to ensure immediate notification of Circle Conferences.

6 Websites: Our web site of AIRBSNLEWA i.e. www.airbsnlretd.org provides all latest information regarding meetings with DoT administration & BSNL Management for the information of the members and others. All important communications made and office orders are also promptly displayed on the web sites. The CHQ Web site is being maintained by Shri K P Nair, CHQ Editor.

7. Welfare Scheme: Though, we have limited source of income, some sort of welfare scheme / activities in a minimal way needs to be suggested, which the CWC can discuss and to arrive at a decision. If need arises, a committee can be formed to study work out the options/suggestions, so that a decision can be taken in the next AIC.

8. STATUS OF VARIOUS ISSUES OF PENSIONERS:

a) Pension Revision:

We the BSNL retirees drawing pension from the Consolidated Fund of Government of India under Rule-37A of CCS Pension Rules 1972. Our pension has not been revised which is due from 1.1.2017, whereas our counterpart DoT pensioners' pension has already been revised w.e.f. 1.1.2016.

AIRBSNLEWA continuously persuaded with the DoT administration for revision of pension of BSNL pensioners w.e.f. 1.1.2017. The last time the pension of the BSNL pensioners were revised from 1.1.2007. DoT administration has replied that pension revision is linked with the revision of pay of BSNL employees.

The pay revision of BSNL employees is being done on the basis of 3rd PRC report wherein the pay revision is related with the affordability of the PSE. BSNL is making losses for the last 10-11 years thus the pay revision of BSNL employees has not taken place as per 3rd PRC report.

There are about 3.5 lakh pensioners / family pensioners, including the VRS as on 31.1.2020, who were officers and employees of BSNL and were all absorbed from DoT on 1.10.2000 with the specific assurance that they would be treated at par with the Govt. employees in the matter of pension. This assurance was specifically incorporated into Rule 37-A of the CCS (Pension) Rules 1972 promulgated under Article 309 of the Constitution of India, 1950 and in terms of which they said employees were entitled to the applicable Govt. scheme of Pension / Family pension even after their absorption into BSNL

These Pensioners were Govt. servants holding civil post in DoT under Govt. of India prior to their absorption in BSNL and as such were safeguarded under Article 311 of the Constitution of India and governed by the CCS pension Rules 1972 for pension / family pension.

Though the 7th pay commission report has been implemented for all the Central Govt. employees, Pensioners & Family pensioners, except the pension revision and minimum pension, all other conditions of the 7th CPC like calculation of pension, additional pension with maturity of age, qualifying service for full pension, commutation, limit of Gratuity, Family Pension and Leave encashment amount, etc. has been implemented for BSNL employees and pensioners. As regards the pension revision, it is misconceived that the 7th CPC report is not applicable to IDA pensioners.

As per the agreed terms and conditions, the BSNL pensioners / family pensioners are at par with the other Govt. servants. While the pension of the Govt. servants are revised on completion of every 10 years, the pension revision of the BSNL pensioners was done on 1.1.2007, that is 15 years ago.

After the pension revision of the Central Govt. Employees as per the 7th CPC, the minimum pension of a Group D employees retired from Govt. service is Rs.9000/-, whereas, the minimum pension of a Group D employee retired from BSNL is Rs.3500/-, due to non-implementation of pension revision of BSNL pensioners.

The medical facilities under CGHS available to the Central Govt. employees / pensioners are extended to BSNL Pensioners also. Whereas, the said CGHS facilities are not extended to the serving employees of the BSNL.

During December 2015, with our active pursuation, DoT had sent a request to the nodal Ministry for CPSUs to add revision of pensionary benefits of BSNL & MTNL Pensioners as terms of reference of 3rd PRC and it is evident from this fact that the Govt. has made its intention of Pension Revision of BSNL pensioners w.e.f. 1.1.2017. However, due to skeptical negative approach of few of the DoT officers, the case not been processed further.

It is learnt that DoT is of the opinion that in case the pension of the existing pensioners retired prior to 1.1.2017 are revised, their revised pension would become higher than the pension to be fixed on retirement of the existing employees retiring after 1.1.2017. This would create an anomaly in BSNL / MTNL as the pensioners retired prior to 1.1.2017 would be getting more pension than the retiring pensioners.

In this regard, it is submitted that, in case, such anomaly occurs between Pre-2017 and post 2017 combined service pensioners of BSNL, it will be limited to few more years as almost all the employees absorbed in BSNL from DoT/DTS/DTO and eligible for combined service pension under Rule 37-A of CCS (Pension) Rules 1972 will retire by the next Pay revision which is due in 2027.

Further more, in order to avoid such anomaly, we suggest to give notional pay revision for the BSNL serving employees w.e.f. 1.1.2017 without creating any additional financial liability for BSNL.

In case pension of the BSNL pensioners / Family pensioners are not revised due to the illogical reasons, then, there will never be any pension revision of BSNL Pensioners / Family pensioners in the times to come since, pension is only for the BSNL absorbees and in the coming few years, there will be no BSNL absorbees left, as all would have retired and the BSNL pensioners / Family pensioners will continue with the existing pension in their entire life time in the rising inflation.

Why pension revision of the BSNL retirees are fully justified:

1. The inaction and non-implementation of revised pension as per the 7th CPC and 3rd Pay Revision tantamount to discrimination by DoT amongst the retired BSNL pensioners and the Govt. Servants in as much as the BSNL pensioners are the combined service Govt. pensioners by virtue of Rule 37-A of the CCS (Pension) Rules, 1972 and have retained their status of a Govt. servant upon their retirement.
2. Pension revision and pay revision have no relation whatsoever in so far as the combined service BSNL pensioners are concerned, since the pension of the latter is to be borne by the Govt. by virtue of Rule 37-A of the CCS (Pension) Rules 1972. As such it would be improper to link pensionary benefits with the financial status of the BSNL, especially after their retirement.
3. At the time of absorption by BSNL, the combined service BSNL pensioners were assured that their status as a Govt. servant upon retirement is not hindered on account

of being absorbed in BSNL, which is the reason to amend the Rule 37 of CCS (Pension) Rules, 1972 by insertion of Rule 37-A and therefore, benefit of pension revision as has been done in respect of other Govt. pensioners cannot be denied to the BSNL combined service pensioners.

4. Pursuant to absorption in BSNL, DoT vide O.M. dated 9.11.2000 categorically mentioned that the employees of DoT who will be absorbed in BSNL will be entitled to the Govt. scheme of pension/family pension even after their absorption in BSNL.
5. AS per Rule 22 of Rule 37-A of CCS (Pension) Rules 1972, pensionary benefits of the BSNL pensioners are to be borne by the Govt. and therefore, absence of pay revision of BSNL in view of the affordability clause cannot be a ground for denial of pension revision, as there is no such affordability condition for any other Govt. pensioners for their pension revision.
6. The pension revision of BSNL pensioners and the pay revision of the BSNL employees have no relation whatsoever in so far as the combined service of BSNL pensioners are concerned, since these pensioners have no role in the financial status of the BSNL, since they do not and cannot contribute to the financial growth of BSNL.
7. The central Govt. pensioners and the combined services Govt. pensioners retired from BSNL are at par on pensionary benefits as every amendment to CCS (Pension) Rules 1972 from time to time is made applicable to combined service Pensioners of BSNL under Rule 37-A, which makes them at par.
8. It is a fact that 9 recommendations of the 7th CPC namely, qualifying service for full pension, method of calculation of pension, family pension, commutation of Pension, restoration / increase in pension, limit of DCRG, leave encashment, etc. have been implemented in favour of the BSNL pensioners on their retirement, except pension revision.
9. The pension contribution of all the combined service BSNL pensioners has already been made to DoT as per the provisions of Rule 37-A and that too of the maximum of their pay scales and at this stage, when the BSNL pensioners, who are senior citizens with a legitimate expectation to reap the benefits of their service, are being with held, which otherwise would not have happened, had these BSNL combined service pensioners would have opted to remain in Govt. service.

We are the senior citizens of our country and we have contributed our whole service period for the sake of the DoT / BSNL and our nation and now, it is quite unfortunate to deprive the legitimate right of the BSNL pensioners of their pension revision at par with other pensioners.

We the pensioners and family pensioners would therefore demand the immediate intervention of the Hon. MoC, Secretary Telecom & the concerned officers of DoT, and an early revision of pension/family pension w.e.f. 1.1.2017, as per 7th CPC recommendation by delinking it from pay revision of BSNL serving employees so that we may get justice which is being denied by DOT since long.

We directly by CHQ and also through various Circle / District Office bearers of this association has submitted the memorandum to Hon. Speaker of Parliament, Hon. Prime Minister of India, Hon. Home Minister, Hon. Defence Minister, Hon. Minister of Communication & IT, Water resources minister, State Minister Parliament Affairs, multiple Member of Parliaments and Secretary DoT.

Many times, we have personally met the Hon. MoC, Secretary, DoT, Member (Services), Member (Finances) and various other officers of DoT, DoP&W, DPE, BSNL and other organizations and persuaded the case of pension revision of the BSNL pensioners besides the legal case in the court of law.

Pension revision case is being pursued vigorously from table to table with the Senior Officers of DoT & DoP&W. Govt. has to accept our demand of revision of pension w.e.f 01-01-2017 since BSNL Employees & Retirees are governed under provisions of Rule 37-A of CCS Pension Rules 1972 and Govt. has already accepted & implemented the legitimate demand of BSNL Retirees i.e. "Pension Revision from 01-01-2017. We are very much hopeful that, we will surely achieve our long awaited "Pension Revision w.e.f. 01-01-2017" due to our persistent & relentless efforts and support by all of you.

Also the pensioners retired after 1.1.2017 should not have doubt in their minds about the revision of their pension because, once the pension revision of pre-2017 retirees is settled, automatically Govt. is bound to resolve the anomaly by considering pension on notional pay plus fitment benefit or by means of any other amicable formula

With the support of all of you, we will leave no stone to settle our legitimate right of our pension revision. This CWC may decide the further course of action.

b) IDA Fitment Benefit of 78.2%

We BSNL pensioners are also suffering from non-payment of IDA fitment benefit of 78.2% w.e.f. 1.1.2007 to May 2013 which is pending since long, by not implementing the DPE guideline on the subject matter in its true spirit. The 78.2% IDA fitment benefits, it was due to BSNL pensioners w.e.f. 1.1.2007. But, it has been paid to the BSNL pensioners from June 2013 onwards only. Therefore, the arrears from 1.1.2007 to May 2013 are required to be paid to the BSNL pensioners. Therefore, we demand the immediate implementation of DPE order in its true spirit.

c) Income Notices under section 154 of IT Act

Income Department also has started issuing notice under section 154 towards recovery of income tax exemption granted to the BSNL Pensioners amounting to more than 2 lakhs.

BSNL, vide its letter no. 1001-04/2011- 12/Taxation /BSNL/ LE/196 dated 04/05/2012 has clarified that, Encashment of Leave Credit of Government Service at the time of permanent absorption into BSNL from DOT that is on 01.10.2000 is eligible for full exemption under section 10(10AA) sub clause (i) of Income Tax Act, 1961 & leave salary of pensioner after absorption in BSNL from 01.10.2000 is exempted from Income Tax subject to a maximum upto Rs 3,00,000 and remaining amount is taxable.

However, BSNL pensioners, including those who have opted for VRS under VRS 2019 of BSNL, are getting Notices from Central processing Center of Income Tax Department under section 154 of Income Tax Act, 1961 for the Assessment Year 2019-20 intimating them regarding the withdrawal of excess claim of exemption claimed under section 10 (10AA) by restricting it to Rs. 3,00,000/-.

We have already taken up the matter with the Chairman CBDT, New Delhi, the matter is still not resolved. We also sought meeting with Chairman CBDT, New Delhi, but he advised us to discuss the matter with Member CBDT, New Delhi. Member CBDT also granted us a meeting, but due to Corona-19 3rd wave, meeting could not take place. We will further try to meet the Chairman / Member CBDT to resolve the issue. This issue has also been taken up with the Secretary Telecom with a request to intervene and stop the initiation of illogical recovery of Income Tax benefit granted to the BSNL pensioners.

9. Status of Court Cases on Pension Revision & DA Arrear Cases

Status of Pension Revision Case: AIRBSNLEWA has filed OA in the PBCAT New Delhi on pension revision of BSNL pensioners in the month of August 2020. But due to Covid-19 there were no physical hearing in the courts, only virtual hearing took place wherein the important matters were only heard by the Hon. Court. During the last years period many virtual hearings had taken place and our case was listed on higher numbers, thus due to paucity of time case could not be heard in these virtual hearings. Now in the month of July 2022 the physical hearings has resumed in all the courts wherein our case was also again listed, but could not be heard due to paucity of time. DoT/BSNL has already filed the re-jointer and against that we have also filed counter reply. The next date of hearing in the PBCAT New Delhi is 18.8.2022 Our advocate on roll is Ms. Gauri Puri and Sr. Advocate is Shri Rajasekhara Rao. In all the virtual / physical hearings our advocates were present.

Status of IDA 78.2% Fitment Case w.e.f. 1.1.2007: AIRBSNLEWA members numbering about 500 filed O.A. in the PBCAT New Delhi in the name of the Association demanding IDA arrears payment w.e.f. 1.1.2007 instead of June 2013. DoT/BSNL has already filed the re-jointer against that our advocate has also filed the counter reply. This case also could not be heard in the Hon. PBCAT New Delhi for the last 2 years due to Covid-19 Pandemic condition and virtual hearings were only being held. Now physical hearing is fixed on 14.9.2022. Our advocate on roll is Ms. Rani Chabra pleading the case.

Status of IDA arrears of 78.2% Fitment benefits w.e.f. 1.1.2007 In the Hon. High Court New Delhi. About 1200 members of AIRBSNLEWA filed the case in the PBCAT New Delhi on behalf of AIRBSNLEWA which was dismissed by the PBCAT New Delhi. Against the said dismissal, AIRBSNLEWA CHQ filed writ petition in the Hon. High Court, New Delhi through Advocates Shri Rajasekhara Rao and Ms. Gauri Puri. The case is now listed for physical hearing on 2.8.2020.

AIRBSNLEWA CHQ is continuously pursuing through our Advocates for the early hearings and settlements, but the fact remain that any party applicant / respondent wins the case will certainly go to the higher bench/court including Apex Court. In view of this, AIRBSNLEWA in its AIC at Vijayawada unanimously resolved to create the legal fund to fight/defend these court cases at all the levels. Accordingly, Rs.1000/- from each member as legal fund was decided to collect. Still many circles are to collect and pay the said contribution towards

legal fund to CHQ. This CWC further discuss and decide the future course of action in this regard.

10. BSNL MRS / Pending Medical Claims / CGHS facilities.

The matter of refund of CGHS Payments for migration of BSNLMRS into CGHS was taken up with the CMD BSNL and he assured that CGHS payments reimbursement will be done immediately. Accordingly BSNL Corporate office extended the time bounded refund of CGHS payments upto 31.7.2022 and reimbursement was assured upto 31.8.2022 positively. All those who want to convert into CGHS facilities can take the advantage of the same and apply immediately.

Medical re-imburement to the BSNL Pensioners are not being considered by the BSNL management and the priority is being given to the working employees only. The matter was discussed with CMD and other officers of BSNL and they assured to settle the pending claims in a time bound manner, but very meager amount about Rs.6500000/- was allotted on this account in the month of March 2022 which could clear the pending medical claims upto the month of December 2019. At present about Rs.350 crores medical claims are pending in BSNL for payment throughout the country. We have requested CMD BSNL / Director HR BSNL to release some funds on every month to clear the liability at the earliest. We also requested CMD BSNL to bring BSNL pensioners' medical claims online instead of offline like BSNL serving employees so that every month medical claims are paid to BSNL pensioners also. We protested against the reduction of number of days from 15 to 12 for the purpose of entitlement by BSNL Corporate office. But, the BSNL management has not modified the said order. We further requested in the BSNL to regularize cash payment against Out Door treatment to BSNL pensioners those who have opted cash payment under BSNL MRS.

We expressed our severe concern against the tampering / modification in BSNL MRS facility for BSNL pensioners through which they are putting cash hardship for medical treatment. Looking into the BSNL MRS facility BSNL employees exercise their option in BSNL having secured medical facility even after retirement, but the continuous efforts has been made by the BSNL management to dilute the BSNL MRS which has put BSNL retirees in hardship. This CWC may decide the future course of action in this regard.

Recently, I along with Comrade A K Kaushik GS RTOWA MTNL Delhi met Additional Director(CGHS) New Delhi and discussed regarding the problems like Non- implementation of order issued by the Director CGHS New Delhi regarding clarification on investigations at empanelled Diagnostic centres in respect of CGHS beneficiaries aged 75 years and above, being faced by CGHS beneficiaries at various places throughout the country. We pointed out to the Director CGHS New Delhi that the order dated 29.5.2019 issued by the Addl. CGHS New Delhi allowing CGHS beneficiaries aged 75 years and above to seek direct OPD from Government Specialist/CGHS Medical officer Specialists of Private Hospitals empanelled under CGHS without referral from CGHS Wellness Centre, is not being implemented by the empanelled hospitals of Jaipur and pensioners are facing difficulties. Adl. Director CGHS New Delhi immediately contacted the Addl. Director CGHS, Jaipur, Rajasthan over phone and asked her to implement the order in its true spirit.

We have also requested for opening of more CGHS Wellness Centres in various cities including Jaipur and Mumbai in the heavily populated areas. Adl Director CGHS mentioned

that matter has been put up to the Ministry but it is being told that even to manage existing WCs the sufficient Doctors and specialized staff is not available, thus the sanctions are not being given for opening of new WCs. However, Ministry will take appropriate action on the several representations pending on this demand.

Regarding Empanelment of good hospitals by CGHS in all the cities, Adl. Director CGHS mentioned that it depends on the hospitals management to accept the terms and conditions of CGHS. Additional Directors of the states are fully empowered to empanel good hospitals in their jurisdiction. Many Hospitals are trying to get empanelled with CGHS but they should meet the conditions.

Regarding supply of indent medicines on the same day from agency directly to the beneficiary, Adl. Director CGHS mentioned that earlier such practice was there but there were complaints of misuse eg taking other items as replacements etc. Thus it was stopped. Adl. Director CGHS assured that for genuine problems we can always meet them for the redressal of the problems.

We also tried to take appointment with Director CGHS but due to his business he advised to meet with Adl Director CGHS.

Regarding CGHS issues at Jaipur, I and Comrade K K Barsar, District Secretary, Jaipur met with Additional Director, CGHS, Jaipur on 21.7.2022 and discussed regarding non-implementation of Director CGHS Delhi orders in Rajasthan Circle and apprised her about our meeting held on 20.7.2022 with Additional Director CGHS Delhi and discussions took place in this regard. Additional Director CGHS Jaipur mentioned that, Additional Director CGHS Delhi has spoken on this subject and thereafter she has issued instructions to all the empanelled hospitals of Rajasthan to implement the Director CGHS Delhi orders in totality. She advised us that in future for any problems we may directly contact her instead of going to Delhi. She also provided the copy of the instructions issued.

Efforts are to be made for opening of new CGHS Wellness Centres at all District Head Quarters of every State. We congratulate our Nashik District Bran of Maharashtra Circle for their sincere efforts in getting the opened new CGHS wellness centre at Nashik. As regards the opening of CGHS Wellness centre at Mansarover, Jaipur, Additional Director, CGHS, Jaipur informed that as per the demand raised by our Association and others the matter is under consideration and accordingly the rented building is being finalized in Mansarover, Colony, Jaipur shortly. We had assured our fullest cooperation.

11. Improper Implementation of Rule 206 as per Supreme Court Judgment: regarding TES Group B officers seniority.

Hon'ble Supreme Court CA No. 4339 of 1995 dated 28.09.2006 and CP Civil No. 248 of 2007 in CA No. 4339 of 1995 dated 25.03.2008 in the judgment directed the respondent that they shall rearrange the seniority in terms of the principals laid down in P.N. Lal's case restoring their earlier position and shall not put any employee over and above the present petitioners on the basis of the seniority in the service in the entry year. While implementing the above judgment DoT/BSNL has re-casted the seniority of $45+20+9+4=78$ (about) TES Gr. 'B' officers only whereas, thousands of TES Gr. 'B' officers are to be provided similar benefit. Now TES Gr. 'B' officers promotions to DE is being issued on the basis of two seniority lists i.e. one on rule-1966 and another on para rule-206 basis. It has caused serious

anomaly and heart burn to the TES Gr. 'B' officers in BSNL. Regarding implementation of Rule-206 or Rule-1966, BSNL Management has filed SLP in the Hon'ble Supreme Court for clarification. Hon'ble Supreme Court has delivered the judgment on 21.01.2015 on TES Gr. "B" seniority to re-casted on the basis of Rule – 206 and one expert committee headed by Shri Rammurthy, Retd Judge of Hon'ble High Court with one member has been constituted to submit report within a period of six months to examine the repercussions on beneficiaries of RR – 1966. After submission of the report by the Committee, the case was posted for hearing on 18.04.2016 and thereafter being listed on every Tuesday. Unfortunately, it could not be heard even for a single time due to paucity of the time. Finally, Hon'ble Supreme Court heard the case and delivered the judgment on 14.12.2017. But, BSNL Corporate Office has misinterpreted the judgment and revised the seniority list of TES Gr. "B" executives by reverting the executive who have been promoted as per the Rule-1966 (Year of Recruitment basis) since the year 2001 onwards with respect to their DQE (Rule-206). Nowhere, Hon'ble Supreme Court has given the directions to revert them.

In this regard the operative Para of Rule 206 case is re-produced here under:

CA No. 4389/2010: Dated 21/01/2015 Para 13: When the rights of the private respondents herein got crystallised based on the specific stand of the appellant taken in its undertaking dated 27th February, 1992 and the subsequent 17 Seniority Lists drawn by it, the appellant was wholly unjustified in having taken a U'-turn in the year 2000 and reverse the seniority of all those who were covered by those 17 Lists. (BSNL has restored the seniority list on 04.06.2019. Matter is closed.)

CA No.4389/2010 14/12/2017 Para 5. The Committee has given its report on 28.10.2015 concluding :- 2.The benefits claimed by BSNL officers may be accepted and this Hon'ble Court be pleased to direct BSNL to grant all benefit including promotion with effect from the date when the junior was promoted with all monetary benefits and service status.

Para 7. We do not consider it necessary to pass any further order on above recommendations. The judgment of this Court in (2015) 12 SCC 360 (Supra) will be treated as final between the parties on the principle of seniority.

Para 8. We, however, make it clear that no arrears will be payable in terms of the impugned judgment. Consequential benefits of pay fixation including the pensionary benefits, if any, will be payable in terms of the impugned judgment only w.e.f. from 01.01.2018 and not for the past.

One more important point I would like to bring to your notice that after decision of the Hon. Supreme Court dated 14.12.2017 only seniority number have been changed as per para 206 and no one reverted by BSNL who became junior due to para 206 and got earlier promotion as AGM / DGM on basis of rule 1966.

In rule 206 case the issue pertains to the seniority of JTO on promotion to the next higher post of sub divisional engineer/ Assistant engineer in BSNL. So all the antedated notional promotion must be allowed/ extended from JTO to SDE , followed by SDE to Adhoc AGM then to Regular AGM and Regular AGM to Adhoc DGM from the date it was allowed to the juniors .

Instead of implementation of decision of Hon'ble Supreme Court in letter & spirit , BSNL try to mislead and allowing only Regular AGM promotions without considering JTO to SDE ,

SDE to Sr SDE, Sr SDE to Adhoc AGM, which is in violation to the Hon'ble Supreme Court decisions .

Restoration of lists 1 to 17 is not done properly. BSNL cleverly avoided verification of restored lists by giving small lists as they like removing expired/retired executive's names. Anomalies raised are not sorted out. BSNL is supposed to restore the lists as per the lists submitted to the expert committee which is totally violation. Just restoring lists as they like doesn't mean that the judgment is implemented. Several, representations given also not considered/ replied by BSNL. There is no access to verify the correctness of the lists maintained by BSNL management. Moreover, it is not at all possible to verify with so many lists. BSNL has to restore the lists 1-17 as it is without any modifications/deletions/additions, then only it is possible for proper checking.

BSNL is deviating from a very clear cut direction and trying to avoid the judgments by rearranging promotions as per the new seniority list and year wise available vacancies which is not at all in line with these judgments and directions. Let BSNL do whatever they find justified but we should concentrate for true implementation of Hon. Supreme Court judgement. Thus, the proper implementation should be as:

- 1. A notional promotion from a date our juniors were promoted in SDE, AGM and DGM cadres with resultant notional pay fixation.**
- 2. Resultant financial benefit from 01.01.2018**

On several occasions we met PGM (Pers) and had requested for the correct implementation of Rule 206 as per the Judgement of Hon'ble Supreme court for SDEs seniority, wherein PGM Pers. BSNL CO informed that BSNL CO has conducted review DPCs and re-casted the SDEs seniority. We further explained that re-casted SDE seniority is not in the true sprite of Hon'ble Supreme court judgment. Against this improper implementation of Hon. Supreme Court judgement on Rule 206, some aggrieved persons filed contempt petition in the Hon. Supreme Court, but the same was dismissed. Now the management of BSNL is continuing with review DPCs. As GS AIBSNLEA I have filed an application for clarification in the Hon. Supreme Court which is still pending for hearing.

CWC may decide further course of action.

12. Migration of pensioners from CPPCs to SAMPANN

Recently pensioners drawing pension through CPPCs of Bank of Baroda has already been migrated to SAMPANN and for the remaining banks migration, CGCA has issued instructions for migration of Pensioners from CPPCs to SAMPANN with the following instructions:

Welcoming Pensioners: Immediately after migration, migrated pensioners will be welcomed to SAMPANN either via SMS/Call/Letter with PPO No. and mobile number with first 5 digits masked.

Login Creation: The first step pensioners need to take is creation of login credentials. Pensioners will be assisted in creation of Login Credentials by providing the process of login credentials. Process of creating login credential is also available on SAMPANN's youtube channel <https://youtube.com/watch?v=hU9899C-5FI>

It must be noted that SAMPANN PPO No. and Mobile is mandatory for creation of Login Credentials. Therefore, pensioners need to update their mobile number, if there is a change in their mobile no.

Submission of LC/DLC:

- a) Since pensioner after migration would get their pension from CCA Offices, Life Certificate would now need to be submitted to the respective CCA Office.
- b) **Physical LC :** The address of the CCA will be shared with the pensioners for physical submission of LC.
- c) **Digital LC:** Pensioners will be assisted with the process of submission of LC on Jeevan Pramaan. The manual will be provided to the pensioners along with a video on youtube <https://www.youtube.com/watch?v=11,elgIboS-M>

Savings and Investment Declaration: After migration, pensioners would need to submit their savings and investment declaration to CCA offices. The process of submitting online will be explained to the pensioners.

Transfer of Pension Case: A pensioner may want to transfer the case from one circle to another after migration, such pensioners will be assisted. The video details the process of transfer by pensioners will be shared with the pensioners / pensioners association. The said video is available on <https://www.youtube.com/watch?v=cH2ZmMB51C0>

CCA offices will also hold offline / online camps to facilitate the pensioners to become familiar with the SAMPANN.

13. Relationship with other serving Unions/Associations of BSNL /MTNL & Retired employees Associations:

Co-ordial relations and co-ordination are maintained with all the General Secretaries of serving Unions /Associations and retired employees associations and other Central Govt. organisations at CHQ level. Whenever, called various meetings are also attended on invitation from these respective Unions/Association. All the Circle Secretaries need to keep a co-ordial relationship with all the associations / unions of working employees of BSNL and such co-ordination and togetherness will be the need of the hour.

14. Organisational Action plans/ Future strategies for further course of action

Besides the pursuance with the DoT and other organizations and also in the court of law, the pension revision case is getting delayed. Similarly, the medical claims of BSNL pensioners are pending for the last 3 years for payment. The cash payment has been reduced to 12 days from 15 days arbitrarily by the BSNL management. We need to organize certain organizational action plan to attract the attention of Govt. of India. A Committee can be formed to work out various organizational action plans and with the support and help of like minded retired associations of BSNL / MTNL. A co-ordination committees can be formed at CHQ and Circle levels. The organizational action plan can be discussed with them and proceed further with the support and participation of all the like minded retired associations

BSNL/MTNL wherein AIRBSNLEWA can take lead to mobilize the unity amongst the retired associations of BSNL/MTNL.

15. Conveyance facilities at New Delhi

General Secretary along with other CHQ Office Bearers has to visit New Delhi very frequently for pursuation of pension revision case with various officers of DoT, and various issues of pensioners and also for other court cases. The public transport system is being utilized for commuting. Travelling in public transport with various important documents are difficult. Hence a hired /fixed / permanent conveyance facilities can be thought of by the CWC.

16. Office Accommodation at New Delhi

Similarly, during the visit to Delhi for various works of Association, accommodation becomes a nightmare, as the availability of inspection quarter after the retirement to the retirees is very much difficult. Staying in Hotel for many days does not support the financial position of the association. Hence, a rented / permanent accommodation with 2-3 beds provision at Delhi can be thought of by the CWC.

17. Organisation Tours & Visits :

Details of the Organisation Tours, Visits of G.S. to various states and CHQ New Delhi with the purpose of visits is attached separately along with this report.

18. Next AIC

Last AIC was held at Vijayawada, AP and already more than 3 years are over. Therefore, AIC has to be held as early as possible. This CWC may decide venue and month for next AIC. Circles may volunteer. The mobilization of the funds for the smooth conduction of the AIC may also be discussed and decided.

Conclusion: This is a report having reported the important developments & activities of the Association after the 5th AIC held at Vijayawada, AP mainly to have quick catch-up of the major developments that took place during the period. So that the deliberations on the various items, on agenda of the CWC Meeting at New Delhi may become easier. Most of the issues related to the members of AIRBSNLEWA and the important developments of the Association as above are available in the report. During this period I am extremely thankful to our CHQ president,, Financial Secretary and other CHQ office bears and all the CSs/CPs and CWC members for their unqualified support in discharging my duties. Let us, therefore march forward to re-write our own future with confidence and firm determination. We are extremely thankful to all the comrades for their support especially Delhi Circle and Maharashtra Circle for holding this CWC Meeting successfully at New Delhi.

**Thanking you, it is concluded.
AIRBSNLEWA - UNITY - ZINDABAD !**

Comradely yours,



**(Prahlad Rai)
General Secretary**