



ALL INDIA
RETIRED BHARAT SANCHAR NIGAM LIMITED EXECTIVES' WELFARE ASSOCAION
CENTRAL HEAD QUARTERS, NEW DELHI

Regn. No. SI/00108/NE-2010

CHQ ADDRESS: C-8/230, Yamuna Vihar, Delhi-110053

President
Kishan Singh
M.9968270611

General Secretary
Prahlad Rai
M.9868278222

www.aibsnlrtd.org
Financial Secretary
A.K. Jain
M. 9868838466

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- 4 **Vice President-II**
T Ravindran. (Kerala)
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- 5 **Deputy General Secretary**
Amit Kumar Gupta (WB)
M.9433000088
- 6 **Asstt. General Secretary-I**
K. Jairam (TS)
M.9440000212
- 7 **Asstt. General Secretary-II**
Pallab Bose UP (East)
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- 8 **Asstt. General Secretary-III**
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M.09422250555
- 9 **Asstt. General Secretary-IV**
B.M. Mondal (WB)
M.9051783890
- 10 **Organising Secretary (Ea)**
Prasun Mukhopadhyay (W)
M.09432200184
- 11 **Organising Secretary (We)**
M.M. Kanani (Gujarat)
M.09427217002
- 12 **Organising Secretary (No)**
S.S. Rawat (Rajasthan)
M.09414001998
- 13 **Organising Secretary (So)**
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- 17 **Auditor**
M. Narainha Rao (TS)
M.09440745544

No.AIRBSNLEWA/SECY-DoT/2022/

Dated 14th November, 2022

To,
Shri K. Rajaramanji,
Chairman TC & Secretary (Telecom)
Department of Telecommunications,
Govt of India, New Delhi-110001

Sub: Pension revision of BSNL/MTNL pensioners- our kind submission thereof:-

Respected Sir,

In response to the DoT proposal for the pension revision of BSNL / MTNL Pensioners moved in the month of August/Sept. 2022 which is being circulated in the social media, we would like to submit the following:

It is a matter of great concern that the internal note that too with the signature of your goodself which is a confidential document is being circulated in the social media. (*Copy enclosed for ready reference*) We feel that such internal confidential note is being circulated in the social media by the vested interested persons / Associations in connivance with the DoT officers is with an ulterior motive and also with malafide intension.

Thus, we request your goodself to kindly look into such great lapse on the part of the officers concerned and take appropriate necessary action under Official Secrecy Act or any other relevant service rules in order to avoid such mis-happening on the part of the DoT Officers.

Since we got the DoT proposal / malafied intention of the concerned officers by releasing the confidential information on social media, we would like to submit the following for favour of kind consideration please.

2. It is crystal clear from the proposal that concerned officers are hiding the real facts and is mentioning the points convenient to them in order to de-rail the proposal of pension revision on the basis of 7th CPC and to adopt on the 3rd PRC formula which will not at all beneficial to any of the pensioners.

3. On the pension revision issue, the stand of DoT in 2018 and 2021 is totally different. In 2018 DoT stated "Therefore, the case of retired employees of BSNL/MTNL is same as that of Government pensioners. It was also stated that at the time of the absorption, there was no intention of depriving the Government employees of pension on their absorption in BSNL/MTNL" (please refer para 5 of DoP&PW reply). In the year 2021, DoT stated that the BSNL / MTNL pensioners ceased to be Government servants by quoting rule 37(5) of CCS (Pension) Rules, 2021.

4. The fact remains that, at the time of absorption of the DoT officers/staff in BSNL, amendment to CCS pension rules 1972 were made and clause 37-A was incorporated to the said pension rules and ensured pension from Consolidated Fund of India, Govt of India at par with other Central Govt. Pensioners to convince the officers and staff to get absorbed in the BSNL/ MTNL.



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Therefore, any amendments made at the CCS Pension Rules, 2021 thereafter cannot be made applicable with retrospective effect. Hence, the statement of DoT that the BSNL / MTNL pensioners ceased to be Government servants by quoting rule 37(5) of CCS (Pension) Rules, 2021 cannot be made applicable to these combined service Pensioners.

5. Further, in the note DoT has mentioned the name of one of the Pensioners Association and their representation, whereas, the fact is Almost all the pensioners associations are regularly representing to your honour and also at all levels upto the Hon. P.M for getting the pension revision of BSNL / MTNL Pensioners. Hence, mentioning the name of one association in the note sheet by the DoT is also with malafied intention and to divide the unity amongst the pensioners association on the issue of Pension revision.

6. As per the DoP&PW OM dated 5/3/1987 and Apex court judgement by a four member bench delivered on 15/12/1995 quashing para 4 of that OM (which also stated that they cease to be government servants on the day of absorption in PSU). Therefore, quoting the OM already quashed by the Apex Court in the note is also is evident that the DoT officers are hiding the facts with malafied intension.

7. The statement of DoT in para 8 of its "note" stating that "the rules applicable to CPSE shall be applicable to these absorbed employees/pensioners" is factually incorrect as regard the BSNL / MTNL pensioners are concerned. The rules of CPSE are not applicable to absorbed BSNL/MTNL retirees but CCS (Pension) Rules only are applicable to them. CPSE rules are applicable only when they were employees of BSNL/MTNL.

8. It may please be noted that Airport Authority of India who were in IDA pay-scale got pension revision as per CPC recommendations converting to CDA which was upheld by Delhi High Court. Even though the employees of Delhi Electric Supply Undertaking (DESU), a CPSE, are drawing more pay than Central Govt. employees, 7th CPC fitment factor was made applicable to them by Department of Power, Govt. of National Capital Territory of Delhi vide No.F.11(62)/2015/Power/743-751 dated 19/2/2020. So, the statement of DoT is not reflecting the correct position.

9. It is a fact that, 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/MTNL under Rule 37-A, which makes them at par.

10. The Division bench of Hon Kerala High Court delivered a judgement on 3/3/2016 in W.A.No.1418 of 2015 & Cont. case © No 1536 of 2010. Para 29 of that judgement says "IDA pay scale, which was last drawn salary of the petitioner is the basis of computation of retirement benefits which is extended to him akin to Central Govt. employees. Whether the petitioner is treated as IDA retiree or CDA retiree is not the real issue and the real issue is as to in which pay scale, the petitioner has drawn his last salary which is to form the basis of computation of retirement benefits which is admissible to persons similar to those Central Govt. employees".



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11. The statement of DoP&PW in para 19 that, some BSNL/MTNL Pensioners' Associations have filed a few petitions in CAT seeking revision of pension based on 3rd PRC recommendations is factually incorrect. The petitions are filed for 7th CPC fitment formula only.

DoT is bent upon for 3rd PRC because there is scope for less fitment like 5%, 10% whereas in 7th CPC no scope for that.

When 9 benefits of 7th CPC are made applicable to the combined service pensioners of BSNL / MTNL out of 11 benefits recommended by 7th CPC, only 2 benefits are left that is Pension Revision of BSNL / MTNL Pensioners and minimum wage revision to BSNL workers (Group D employees). Therefore, it is fully justified that the pension revision also be to done on the basis of 7th CPC fitment formula. Two different policies that is 7th CPC and 3rd PRC fitment policy cannot be made applicable to one category of pensioners. Hence, our demand for pension revision with 7th CPC fitment formula is fully justified for BSNL and MTNL pensioners.

We would, therefore, request your kind honour to kindly intervene in the matter and direct the concerned Officers of Establishment cell and internal Finance wing of DoT to implement 7th CPC fitment formula for pension revision of BSNL/MTNL pensioners at par with their counterparts Central Govt pensioners.

With kind regards;

Yours Sincerely

Encl: Note Sheet of DoT

(Prahlad Rai)
General Secretary AIRBSNLEWA

- Copy to: 1. Secretary DoP&W, Govt. of India, New Delhi-11001
2. The Member (Services) DoT Govt of India New Delhi-110001
3. The Member (Finance) DoT, Govt of India, New Delhi-110001