

PENSION REVISION OF BSNL PENSIONERS – HOW TO ????

The Background : We the pensioners who were employees of DOT/DTS and were absorbed in BSNL with the condition that we shall be getting pension like any other Govt pensioners are today uncertain about our future pension revision. When pension revision of all other Govt pensioners is now a routine affair with every Pay Commission, our case is in total uncertain. To understand the problem we have to refresh our memory on past happenings since 1982 when even the Pension of Govt Pensioners were not revised and remained same as was fixed on their date of retirement. The Pay commissions used to recommend only the pay scales of serving employees and their retirement benefits. In 1982 the Historic Judgment of Supreme Court came in famous D S Nakara case. The Apex court ordered that pensioners cannot be discriminated on the basis of a date and it is a violation of Article 14 of the constitution. Only after this Historic Judgment the item “Pension Revision” was included in terms and reference of 4th pay commission which delivered its report in 1986. Since then the pension of the already retired Govt. Pensioners use to get revised with every pay commission without any haste.

With the formation of BSNL in October 2000, all the employees of the then DOT/DTS are transferred to BSNL on deemed deputation. For permanent absorption various terms and references including pension were discussed and settled with the Unions/Association. Although much emphasis was given on continuation of our Govt Pension but unfortunately the leaders have totally forgotten to negotiate the issue of periodical pension revision like all other Govt pensioners. As a result when we got absorbed, in our Presidential appointment order although there is mention of Pension but nothing is there about pension revision.

6th CPC and 2nd PRC : In 2006 report of 6th CPC and in 2007 report of 2nd PRC came. In CPC report there were as usual recommendations on Pension Revision but those were implemented for all other Govt pensioners except us. It was told that since we are IDA pensioners the CPC report on pension revision is not applicable to us. Although all other recommendations of CPC related to pensionary benefits like gratuity, leave encashment, amount of Family Pension etc are subsequently made applicable to BSNL pensioners also. It is also interesting to note that although pension was denied because of IDA but increased gratuity was paid on IDA pay only. Then came 2nd PRC report which contained no recommendation on pension revision of IDA Govt pensioners. Thus a situation was created when neither CPC nor PRC was made effective for IDA Govt pensioners. In spite of such situation there was no much hue and cry amongst the pensioners or from their Associations. 2nd PRC report was implemented for the employees in 2009 and only then DOT started thinking about the deprivation of these pensioners and in December 2010 they moved a Cabinet memo proposing

revision of pension of these pensioners in the same line as was done for executives and non executives of BSNL i.e. merging 68.8% DA with 30% fitment benefit. The cabinet approved it and in March

2011 orders were issued by DOT for pension revision of the pensioners retired between Oct 2000 and Dec 2006. The justification of the Cabinet memo was that of Supreme Courts Judgment on D S Nakara Case. It was mentioned in the memo that discrepancy would be created between BSNL pensioners retired before and after 1-1-2007 had the pension not been revised with equal formula.

7th CPC and 3rd PRC: At present after 7 CPC similar treatment is given to IDA Govt Pensioners as was in 6th CPC. Our Association tried to include the pension revision in terms and reference of 3rd PRC but was not successful. After the recommendations were submitted by 3rd PRC we made another attempt through DOT to mention the issue of our pension revision in final presidential order. But this has also turned down by the Cabinet Secretary.

3rd PRC in their recommendation has allowed 15% fixation benefit to the PSUs which have more than 20% PBT (Profit Before Tax). The PBT of BSNL for past few years is negative but they have positive operational profit for last 3 years. The plea of BSNL to allow them to extend 15% fixation to its employees on the basis of operational profit has not been accepted in the Committee of Secretaries meeting on 12-05-2017. After that CMD BSNL has again wrote DO to Secretaries of DOT and DPE to allow BSNL to extend the recommendation of PRC to its employees. He has placed all justifications and mentioned that the expenditure will be borne by BSNL. We have to wait for the final Presidential order for the final decision.

Present Status of our Pension Revision: As explained above the possibilities of our pension revision as at present is in doldrums. Many are of the opinion to delink our pension revision from BSNL employees pay revision and force the DOT to implement the recommendations of 7th CPC for BSNL pensioners also. We also support this idea but even if DOT agrees to this proposal principally, there will be difficulties in implementation because of the same Judgment of D S Nakara case. Consider a situation where pension of pre 2017 pensioners revised as per 7th CPC and 3rd PRC not implemented for employees of BSNL. In that case there will be discrepancy between the pensioners retired before and after 1-1-2017. Govt naturally won't invite such a situation, instead they will prefer to follow the precedence of 2nd PRC and implement the same formula as will be applied for the pay revision of BSNL employees.

Under this situation if finally Govt. accept the proposal of CMD BSNL and extend 15% fitment for BSNL employees and subsequently the said fixation is applied for the pre 2017 pensioners also, the problem will be solved for the time being. But if fixation benefit is not extended or lesser fitment than 15% is applied to pay revision of BSNL employees and subsequently the same principal is applied to pre 2017 pensioners also then the BSNL pensioners will be getting lesser benefit as compared to those

pensioners who got 7th CPC fixation. Naturally this deprivation is not acceptable to the pensioners but again there may not be much protest as most of the Associations may decide to accept whatever is coming and fight later as they have decided for withholding of pension arrears while implementing 78.2% IDA merger order.

The Associations which are advocating strongly for implementation of 7th CPC report for BSNL pensioners, are yet to place the same too strongly to the Government. As we mentioned, we are not opposed to this idea and think that this may be a permanent solution provided some arrangement is made to avoid the discrepancy with future pensioners. DOPT vide its order dated 4-8-16 and 12-5-17 has mentioned the implementation of 7th CPC to the pensioners of PSUs drawing Govt Pension. We have already made queries under RTI , whether the said order is applicable for BSNL & MTNL pensioners. DoT on behalf of DOPT has replied that that the said order is for those pensioners drawing pro-rata pension. (The RTI question and answer is printed elsewhere in this journal). Therefore the stand of the Government on implementation of 7th CPC to BSNL IDA pensioners is crystal clear. It is not easy to force the Government to change their stand. For this the unity of pensioners is required which as on date do not exist.

Conclusion: Hence if 15% fitment is extended to BSNL employees as 3rd PRC recommended and the same formula is extended to pre 2017 BSNL pensioners subsequently , we shall get our pension revised at par with other Government pensioners smoothly. Otherwise the possibility of our pension revision will be remote and uncertain for the reasons explained above,