

MS VANDANA SETHI,
DIR(ESTT)
ROOM NO. 1108, Sanchar Bhavan
20 Ashoka Road
New Delhi 110001

Date: 09-07-2018

Sub: Request for Information under Right to information Act 2005

Dear Madam,

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.

With reference to your reply to the undersigned vide 47-35/2014-Pen(T) dated 27-12-2016 (copy enclosed) regarding a RTI application made to DOP&PW, you have mentioned that DOP&PW's OM no 38-37/2016-P&PW(A)(ii) dated 04-08-2016 is applicable to Govt, Servant permanently absorbed in PSU/AB and **drawing pro-rata pension only.**


Since in the DOP&PW's OM dated 04-08-2016, there is no mention of the "pro-rata" clause, kindly supply me the documents/Orders/Note sheets where Government has decided that the OM dated 04-08-2016 will be applicable to only those aborbees drawing pro rata pension.

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
- b) I am also enclosing **additional IPO of Rs** towards the costs for the documents sought by me Nos . For any further amount, I may be informed 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
Enclosure: Four (4) IPOs as mentioned above.

No. 47-35/2014-Pen (T)
Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20 – Ashoka Road
New Delhi – 110 001

Dated the 14th August, 2018.

Sh. Amit Kumar Gupta,
1/4 Rajendra Banerjee Road,
Behala, Kolkata-700034.

Subject: Information under RTI Act, 2005 – Case of Sh. Amit Kumar Gupta.

Kindly refer to your RTI application dated 09.07.2018, received in this office on 18.07.2018.

2. The OM No.38/37/2016-P&PW(A)(ii) dated 04.08.2016 has been issued by the DOP&PW. Vide RTI reply dated 27.12.2016 with reference to your application dated 07.09.2016, it has been informed that the said OM is applicable to Govt. servant permanently absorbed in PSU/AB and drawing pro-rata pension only. The same is self-evident based upon the background material referred therein above. A copy of the said reply was also marked to DOP&PW. The DOP&PW has also reiterated the said information provided by the DoT in response against S.No.1 in the revised point-wise reply dated 04.07.2018 (Copy enclosed) in compliance of the order of CIC dated 27.06.2018.

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

Encl: As above.

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(Sanjay Agrawal)
Director (Estt.II) & CPIO
Tel: 2303 6500

RTI MATTER/ SPEED POST

No.4/ 1 /2018-P&PW (D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Pension & Pensioners Welfare

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi,
Dated the 04th July, 2018

To

Amit Kumar Gupta,
1/4 , Rajendra Banerjee Road,
Behala, Kolkata-700034

Subject: - Orders of Central Information Commission vide file No. CIC/DP&PW/A/2017/ 121215 dated 27-06-2018

Sir,

Kindly refer to the Order of Central Information Commission issued vide File No. CIC/DP&PW/A/2017/121215 dated 27-06-2018 (Copy enclosed) .

2. The revised point-wise reply in respect of the points raised by Shri Amit Kumar Gupta in his RTI application dated 07-09-2016 is as under:

S.No	Query	Response
1.	The Pensioners of which Departments/PSUs will be covered under the provisions of above two paras 2.1 & 7(a) of DoP&PW vide O.M. F.No. 38/37/2016-P&PW(A)(ii) dated 04-08-2016.	This Department had issued OM No. 38/37/2016-P&PW(A)(ii) dated 04-08-2016 (Copy enclosed) for revision of pension of pre-2016 Central Government Civilian Pensioners who had retired in CDA pay scales before 01-01-2016. Para 2.1 of this OM provided that these Orders shall apply to all pensioners/family pensioners who were drawing pension/family pension before 01-01-2016 under the Central Civil Services (Pension) Rules, 1972. Further, Para 7(A) of this OM provided that the Government servants who were absorbed in PSUs, etc. and were getting monthly pension from Government were also eligible for revision of pension under this order. However, those who were absorbed in PSUs, etc. and who were entitled to pension in IDA pattern based on the combined service in Government and PSU are not covered by these Orders. In their cases, the

concerned PSU/Administrative Ministry has to issue orders for revision of pension, if any.

2. The RTI was also transferred to CPIO, Department of Telecommunication (DoT) vide letter no. 4/1/2016-P&PW(D) dated 31-10-2016/25-11-2016. CPIO, DoT vide their letter no. 47-35/2014-Pen(T) dated 27-12-2016 (Copy enclosed) replied as under:

"It is mentioned that in pursuance of Government's decision on the recommendation of the Seventh Central Pay Commission, DOP&PW vide its OM No. 38/37/2016-P&PW(A)(ii) dated 04-08-2016. As per Para 2.1 of the said OM, "These orders shall apply to all pensioners/family pensioners who were drawing pension/family pension before 01-01-2016 under the Central Civil Services (Pension) Rules, 1972". As per Para 7(a) of the said OM, "Where the Government servants on permanent absorption in public sector undertaking/autonomous bodies continue to draw pension separately from the Government, the pension of such absorbee will be updated in terms of these orders. In cases, where the Government servants have drawn one time lump sum terminal benefits equal to 100% of their pensions and have become entitled to the restoration of one-third commuted portion of pension as per the instructions issued by this Department from time to time, their cases will not be covered by these orders. Orders for regulating pension of such pensioners will be issued separately". As such DOP&PW's OM dated 04-08-2016 is applicable to Govt. Servant permanently absorbed in PSU/AB and drawing pro-rata pension only.

2. Whether the absorbee pensioners of BSNI, who fulfil conditions mentioned in para 2.1 & 7 (a) of the said order are covered by the said order and their pension will be revised from 1-1-2016 in terms of the said order DoP&PW O.M. F.No. 38/37/2016-P&PW(A)(ii) dated 04-08-2016.

As mentioned in the reply dated 31-10-2016 of this CPIO, orders for revision of pension of absorbee pensioners of BSNI/MTNL who are getting pension under IDA pattern are issued by Department of Telecommunications (DoT). Therefore, a copy of his RTI application was transferred to CPIO, Department of Telecommunications for providing the requisite information to the applicant. The CPIO, DoT in

3. Whether the absorbee pensioners of MTNL, who fulfil the conditions mentioned in para 2.1 & 7(a) of the said order are covered by the said order and their pension will be revised from 01-01-2016 in terms of the said order dated 4-8-2016.
4. If the answer to the questions 2 above is negative, then kindly furnish the information on BSNL absorbees ineligibility of getting covered under the order dated 4-8-2016 in spite of fulfilling the conditions laid down in para 2.1 & 7(a) of the said order DoP&PW O.M. F.No. 38/37/2016-P&PW(A)(ii) dated 04-08-2016.
5. If the answer to the questions 3 above is negative, then kindly furnish the information on MTNL absorbees ineligibility of getting covered under the order dated 04-08-2016 in spite of fulfilling the conditions laid down in para 2.1 & 7(a) of the said order DoP&PW O.M. F.No. 38/37/2016-P&PW(A)(ii) dated 04-08-2016.
- her reply dated 27-12-2016 has informed the applicant/appellant that DoP&PW OM dated 04-08-2016 is applicable to Government servants permanently absorbed in Public Sector Undertakings/ Autonomous Bodies and drawing pro-rata pension only (Copy enclosed).
2. It may be mentioned that after 6th Central Pay Commission also, the Orders for revision of pension of Government pensioners were not applicable for revision of pension of the absorbee pensioners of BSNL/MTNL drawing pension under IDA pattern. DoT had issued one such separate Order for revision of pension of pre-2007 pensioners/family pensioners of BSNL vide OM No. 40-17/2008-Pen(T)-Vol.III dated 15-03-2011 (Copy enclosed).
3. Therefore, further action for revision of pension of BSNL/MTNL combined service absorbee pensioners after 7th Central Pay Commission is required to be taken by DoT. A copy of this reply is also being endorsed to the CPIO, DoT to directly inform you in regard to the action taken, if any, for revision of pension of BSNL/MTNL absorbee pensioners after 7th Central Pay Commission.

Yours faithfully,

(Subhash Chander)

Under Secretary to the Govt. of India/ CPIO
Tel. No. 24644632

Encl: As above.

Copy to:

(1) Sh. Sanjay Agarwal, Director & CPIO, Department of Telecommunications, Sanchar Bhawan 20, Ashoka Road, New Delhi-110001. Further action for revision of pension of BSNL/MTNL combined service absorbee pensioners after 7th Central Pay Commission is required to be taken by DoT. It is requested to directly inform Sh. Amit Kumar Gupta in regard to the action taken, if any, for revision of pension of BSNL/MTNL absorbee pensioners after 7th Central Pay Commission.

(2) US(RTI), Department of Pension and Pensioners' Welfare, Lok Nayak Bhawan, New Delhi.