



ALL INDIA
RETIRED BHARAT SANCHAR NIGAM LIMITED EXECUTIVE'S WELFARE ASSOCIATION
CENTRAL HEAD QUARTERS, NEW DELHI

Regn. No. S/00108/NE-/2010

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To
Ms Aruna Sundararajan
Secretary & Chairman TC
Department of Telecommunication
20 Ashoka Road New Delhi.



No: AIRBSNLEWA/CHQ/2018

Dated.. 04/09/2018

Sub: Pension Revision of BSNL absorbed DOT pensioners on IDA

Respected Madam,

Kindly refer our earlier communications on the subject. In spite of our repeated submission, DOT is maintaining its stand that

- 1) CPC recommendations on pension revision is not for BSNL IDA pensioners
- 2) Pension Revision of BSNL Pensioners will be only after pay revision of BSNL employees as per 3rd PRC.

At the time of formation of BSNL, in the year 2000, Department of Telecommunication (DOT) has promised vide 36-15/2000-Pen(T) dated 09-11-2000 the following to its employees. (copy enclosed)

"It has been decided by the Government that the employees of DOT who will be absorbed in Bharat Sanchar Nigam Limited (BSNL) will be entitled to Govt scheme of pension/family pension even after their absorption in BSNL."

The words "Govt scheme of pension" obviously means the complete pension and Pensionary benefits including periodical pension revision. Accordingly all the elements of pension and Pensionary benefits of other Govt. pensioners were made applicable for BSNL pensioners also. The only exception is the pension revision which is denied because they are in IDA scale. **If all the benefits of other Govt pensioners as per the CPC recommendations can be applied to BSNL IDA pensioners, how the factor "IDA" coming in the way only for pension revision as per CPC recommendations is not understood.** Kindly see the attached note and table which describes the status at a glance. We therefore request you to issue the order of Pension Revision immediately as per the pension revision memo of DOP&PW dated 04-08-2016 as per the commitment made at the time of absorption.

With Regards


Kishan Singh
General Secretary

Mob. 9968270611

Copy to : Member(Finance) / Member (Services) DOT for kind necessary action

Enclosure: As above

Denial of Pension Revision to more than 2 lakh Govt Pensioners retired from BSNL and now drawing pension on IDA scale from Govt of India as per CCS(Pension) Rule 1972

Background:

At the time of formation of BSNL, in the year 2000, Department of Telecommunication (DOT) has promised vide 36-15/2000-Pen(T) dated 09-11-2000 the following to its employees.

"It has been decided by the Government that the employees of DOT who will be absorbed in Bharat Sanchar Nigam Limited (BSNL) will be entitled to **Govt scheme of pension/family pension even after their absorption in BSNL.**"

Based on this assurance most of the Group B,C,D employees of DOT took absorption in BSNL.

The words "**Govt scheme of pension**" obviously means the complete pension and Pensionary benefits including periodical pension revision as was applicable to Govt employees as per recommendation of Central Pay Commissions (CPCs). But although DOT extended all the Pension and Pensionary benefits as per CPC to the pensioners and family pensioners retired from BSNL and drawing IDA pension but has not implemented the pension revision recommendation of CPC. The ground of such denial was that the pension revision recommendation of CPCs is only for those pensioners who retired from CDA pay scale.

RTI applications were made to find out the applicability of pension revision orders of Govt as per recommendations of CPCs for BSNL pensioners. **But neither DOT nor DOP&PW could provide any document which can establish that Pension Revision as per CPC is not for Govt pensioners drawing pension on IDA scale.** DOT has also stated under RTI that pension revision of BSNL pensioners will follow the pay revision of BSNL employees as per 3rd PRC as was happened in 2007.

Present sufferings of the pensioners:

In 2007 pension of BSNL pensioners was revised following the pay revision formula of BSNL employees from 1-1-2007 but the recommendation of 6th CPC was not applied like other Govt pensioners. As BSNL was in profit and pay revision of BSNL employees was smooth, pensioners did not face any problem other than a delay of 4 years for issuing the order. Now in 2017 when again the pension revision of BSNL pensioners are due, DOT is avoiding the issue with the argument that it will follow only after the pay revision of BSNL employees. But this time due to consecutive loss of BSNL the 3rd PRC recommendation is not applicable to BSNL employees which indirectly means that there will be no pension revision also for BSNL pensioners although DOT received full pension contribution of these pensioners from BSNL. **Thus DOT without fulfilling its commitment made in the year 2000 at the time of absorption and implementing the recommendation of 7th CPC for pension revision for BSNL pensioner, linking the issue with present profit and loss of BSNL**

Falacy

DOT has committed in 2000 that "the Scheme of Government Pension/family pension" will be available to BSNL absorbees even after their absorption. Accordingly all the elements of pension and Pensionary benefits of other Govt pensioner were made applicable for BSNL pensioners also. The only exception is the pension revision which is denied because they are in IDA scale. Kindly see the attached table. **If all the benefits of other Govt pensioners as per the CPC recommendations can be applied to BSNL IDA pensioners, how the factor "IDA" coming in the way only for pension revision as per CPC recommendations is not understood.**

Solution:

DOT should immediately implement the pension revision recommendation of 7th CPC which is full DA neutralization with 32% increase of Basic Pension benefit as per the commitment at the time of absorption. The multiplication factors for BSNL IDA Pensioners will be 2.515 for 7th CPC as against 2.57 applied for CDA pensioners. **The pension Revision Memo of DOP&PW dated 4-8-2016 should be implemented for BSNL pensioners also for the sake of justice.**



Pension Related Circulars/ Orders

DOT No. 36-15/2000-Pen(T) dated 09.11.2000

Subject: Entitlement for Pension, other Retirement Benefits, Job Security and Carry Over of Leave in respect of Employees to be Absorbed in BSNL.

It has been decided by the Government that the employees of DOT who will be absorbed in Bharat Sanchar Nigam Limited (BSNL) will be entitled to the Government's scheme of pension/family pension even after their absorption in BSNL. Payment of pension will be made by the Government and for this, arrangements, are being worked out for obtaining pension contribution from BSNL to be deposited with the Government. It has also been decided that dismissal or removal from service of an employee after his absorption in the PSU for any subsequent misconduct shall not amount to forfeiture of the retirement benefits for the service rendered under the Government and in the event of his dismissal, removal or retrenchment the decisions of BSNL shall be subject to review by the Administrative Ministry. The Government has already issued Notification dated 30.9.2000 to this effect wherein the pension framework has been made part of the CCS (Pension) Rules, amending Rule 37 using powers under Article 309 of the Constitution of India. (Copy enclosed).

It has further been decided that the Earned Leave and the Half Pay Leave at the credit of the employees on the date of absorption shall stand transferred to the PSU.

This may be widely circulated in your circle/ unit so that the employees are duly informed of the decision taken by the Government.

Enclosure

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Pension and Pensioners' Welfare)

NOTIFICATION

New Delhi, the 30th September, 2000

S.O.904(E) – In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:

1. (1) These rules may be called the Central Civil Services (Pension) Amendment Rules, 2000.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Central Civil Services (Pension) Rules, 1972, after rule 37, the following rule shall be inserted, namely:
"37A. Conditions for payment of pension on absorption consequent upon conversion of a Government Department into a Central autonomous body or a Public Sector Undertaking.
 - (1) On conversion of a department of the Central Government into a public sector undertaking or an autonomous body, all Government servants of that Department shall be transferred en-masse to that public sector undertaking or autonomous body, as the case may be, on terms of foreign service without any deputation allowance till such time as they get absorbed in the said undertaking or body, as the case may be and such transferred Government servants shall be absorbed in the public sector undertaking or autonomous body, as the case may be, with effect from such date as may be notified by the Government.

K Singh

**STATUS OF IMPLEMENTATION OF CPC RECOMMENDATIONS FOR BSNL IDA PENSIONERS
AT A GLANCE**

	1	2	3	4	5	6	7	8	9	10	11
Recommendations accepted by Government	Calculation of pension	Additional Quantum of Pension/Family Pension with increase of age	Qualifying service period for full pension	Comm utation	Limit of Gratuity	Family Pension	Period of Enhanced Family Pension for employees died in harness	Dearness Relief to the Family Pensioners	Leave Encashment	Minimum Pension/ Family Pension	Pension Revision
5 th CPC	50% of average emoluments drawn during last 10 months.	No such provision	33 years	40%	3.5 Lakh	30% of Basic Pay	7 years	allowed	300 days	Rs 1275 implemented	
6 th CPC	50% of average emoluments drawn during last 10 months. Or last basic pay drawn whichever is beneficial.	Age Rate 80Yr 20% 85 Yr 30% 90 Yr 40% 95 Yr 50% 100 Yr 100%	20 years	40%	10 Lakh	30% of Basic Pay	10 years	allowed	300 days	Rs 3500 Implemented w.e.f 1-1-2007	6 th CPC not implemented for BSNL Pensioners But Pension revised as per 2 nd PRC from 1-1-2007
7 th CPC	50% of average emoluments drawn during last 10 months. Or last basic pay drawn whichever is beneficial	Age Rate 80Yr 20% 85 Yr 30% 90 Yr 40% 95 Yr 50% 100 Yr 100%	20 years	40%	20 Lakhs	30% of Basic Pay	10 years	allowed	300 days	Rs 9000 Not yet implement	Full neutralization of DA with 32% increase of Basic Pension. Not implemented
Status of Implementation in BSNL	<p align="center">ALL THE ABOVE ARE IMPLEMENTED BY DOT FOR BSNL IDA PENSIONERS ALTHOUGH THEY ARE IDA PENSIONERS</p>										

Pringh

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

Dated the 13th July, 2018

Sh. 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 – reg.

Kindly refer to DOP&PW letter No.4/1/2018-P&PW(D) dated 04.07.2018 on the above mentioned subject received in this office on 06.07.2018 alongwith a copy of the CIC order dated 27.06.2018 requesting this office to inform you regarding the action taken for revision of pension of BSNL/MTNL absorbee pensioners after 7th CPC.

2. Regarding the revision of pension of BSNL/MTNL pensioners/family pensioners who were absorbed permanently in BSNL/MTNL from DoT as per 7th CPC in terms of DOP&PW OM dated 04.08.2016 & 12.05.2017, it is stated that these orders are applicable to CDA pensioners only. Further, these orders are applicable for the pensioners who are drawing monthly pension from Government on permanent absorption in PSUs on pro-rata basis on CDA pattern based on their service in Government only. However, these order are not applicable for revision of pension of the employees who were permanently absorbed in BSNL/MTNL from DoT and are getting pension on the basis of combined service in DoT & BSNL/MTNL on IDA pattern in terms of Rule 37-A of CCS (Pension) Rules, 1972. It is stated that the pension revision follows pay revision. Earlier also, pension of permanent absorbees in BSNL drawing pension in IDA pattern has been revised on implementation of 2nd PRC in 2007. Accordingly, case of pension revision of the permanent absorbees in BSNL/MTNL will be taken up as and when 3rd PRC is implemented in BSNL/MTNL.

3. Moreover, it is mentioned that the above explained position & facts w.r.t. the revision of pension of BSNL/MTNL absorbee pensioners have also been conveyed to Sh. Ajay Nishad, Hon'ble MP(LS) and Sh. Gopal Shetty, Hon'ble MP(LS) by the Hon'ble MoSC(IC) vide DO letters dated 28.10.2017 & 13.06.2018 respectively. Copies of the DO letters dated 28.10.2017 & 13.06.2018 are enclosed herewith for information.

Encl: As above.

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

Copy to: Sh. Subhash Chander, CPIO/Under Secretary, DOP&PW, Ministry of
Personnel, PG Pension, 3rd Floor, Lok Nayak Bhawan, Khan Market, New Delhi w.r.t. letter
No. 4/1/2018-P&PW(D) dt. 04.07.2018.

