

For members only

AIRBSNLEWA VOICE



MOUTH ORGAN OF

All India Retired BSNL Executive Welfare Association, West Bengal State Branch

Vol-1, Issue : 1

May-August -2015

Price Rs 2.00/-

Edited by : Sitanshu Sarkar. 9433098414 24079898

:- HIGHLIGHTS:-

- The Cabinet Memo for extending the benefit of 78.2% IDA merger for Pensioners has been approved by MOC Sh. Ravi Shankar Prasad.
- After approval of the MOC, the Cabinet Memo has been circulated to Four nodal ministries for their comments. The same will be placed for the Cabinet Approval after receipt of the comments.
- Final Order on 78.2% IDA merger is expected by middle of August 2015. Pension will be notionally fixed from 1-1-2007/DOR and actually paid from 10-06-2013.
- It is learnt that DOT has proposed to remove 60:40 Pension Sharing clause in the present Cabinet Memo.
- Calcutta Telephones has issued list of empanelled hospitals and guidelines for settlement of outdoor medical claims for pensioners as requested by AIRBSNLEWA.
- AIRBSNLEWA has taken up with BSNL for extension of Free Night Calling facility and Full Free calls as per order in the concessional phones of the pensioners.

ALL PENSIONERS ARE REQUESTED TO ATTEND THE SPECIAL GENERAL BODY MEETING ON 24TH AUGUST, 2015 AT 14-00 HRS AT CTO AUDITORIUM 3RD FLOOR CTO KOLKATA.

MAIN SPEAKER : COM PRAHALAD RAI. Chief Patron AIRBSNLEWA

Visit us at www.aibsnlretd.org for regular updates on pensioner's issues

AIRBSNLEWA VOICE

Name of the office bearers elected in the 2nd. Annual General Meeting of **All India Retired BSNL Executive Welfare Association, West Bengal Branch, held on 26.09.2013** at the Telecom Institute Hall, CTO Building, Kolkata-700001.

Sl.	Name of the Office Beares/Ex.Members	Name of the Post	Retired From	Mobile No.
1.	Shri Dhananjoy Biswas	President	WBT Circle	9477275920
2.	Shri Manas Kumar Roy	Vice President-1	WBT Circle	9434009002
3.	Shri Swapan Kumar Mukhopadhyay	Vice President-2	CTD	9433400210
4.	Shri Ashis Kumar Das	Vice President-3	CTD	9432001340
5.	Shri Partha Pratim Mukhopadhyay	Vice President-4	WBT Circle	9432000664
6.	Shri Sitanshu Kumar Sarkar	Secretary	CTD	9433098414
7.	Shri Sadananda Basu	Asst. Secretary-1	CTD	9433857948
8.	Shri Ram Sundar Banerjee	Asst. Secretary-2	CTD	8902227212
9.	Shri Arabinda Ghosh	Asst. Secretary-3	WBT Circle	9434068111
10.	Shri Kshitish Chandra Samadder	Asst. Secretary-4	CTD	9433864747
11.	Shri Prasun Ghosh	Asst. Secretary-5	WBT Circle	9433936300
12.	Shri Jiban Krishna Bhowmick	Organising Secy-1	CTD	9432933433
13.	Shri Animesh Mitra	Organising Secy-2	CTD	9433098823
14.	Shri Sushil Kumar Seth	Organising Secy-3	CTD	9432001175
15.	Shri Rupak Sen	Organising Secy-4	CTD	9432190900
16.	Shri Deba Brata Roy	Organising Secy-5	CTD	9433000307
17.	Shri Pradip Kumar Samanta	Organising Secy-6	WBT Circle	9434001250
18.	Shri Prasun Madhab Chattopadhyay	Financial Secretary	CTD	9433082055
19.	Shri Chitta Ranjan Das	Asst. Treasurer	CTD	9433377171
20.	Shri Pravash Chandra Sur	Exe. Member-1	CTD	9433316100
21.	Shri Mohan Lal Das	Exe. Member-2	CTD	9433610992
22.	Shri Paritosh Mondal	Exe. Member-3	CTD	9433000008
23.	Shri Umech Chandra Sarkar	Exe. Member-4	CTD	9477486121
24.	Shri Indrajit Kundu	Exe. Member-5	WBT Circle	9433758777
25.	Shri Chitta Ranjan Sen	Exe. Member-6	CTD	9433400468
26.	Shri Sanjoy Bhattacharya	Exe. Member-7	WBT Circle	8902365500
27.	Shri Ajoy Kumar Saha	Exe. Member-8	CTD	9433087272
28.	Shri Sisir Kumar Shaw	Auditor	CTD	9432000332
	Co-opted Exe. Members			
29.	Shri Sadhan Kumar Chattopadhyay	Exe. Member	ETR	8902000194
30.	Shri Tapan Kumar Das	Exe. Member	CTD	9433000069

From the Desk of the State Secretary

Dear Pensioners, All India Retired BSNL Executive Welfare Association, West Bengal has started its journey in 2010 with 7 members. Today we have 440 members in our fold and expect many more to join in near future. This has become possible because we are totally committed to protect the right of the pensioners i.e. Pension and Medical Facilities.

The cabinet memo on 78.2% IDA merger from 1-1-2007 has been sent to the nodal ministries for their comment. It is expected that the ministries will respond positively and the final order will be issued by DOT soon. As per the information received, the pay/pension will be fixed notionally as on 01-01-2007 and actual payment of pension amount will be from 10-06-2013. Future danger on pension due to proposed 60:40 pension sharing proposal is also going to be withdrawn as proposed in this cabinet memo. Details are published elsewhere in this issue.

After lot of persuasion by our Association, Calcutta Telephones has issued orders on “norms to be followed for settlement of claims for outdoor medical treatment for pensioners” and also list of empanelled hospitals. We are grateful to the management.

A special General Body meeting of this Association will be held on 24-08-2015 at CTO auditorium at 14-00 hrs. Our chief patron Com Prahalad Rai will address. I invite all pensioners to join in the GB to hear the latest.

There is huge response to the donation call given by AIRBSNLEWA. Due to such positive response we are able to bring out this journal. I request the remaining members. who are yet to deposit the prescribed donation for the year 2015, to pay the same without any further delay.

We are meeting every Wednesday at our Association office. Attendance of large no of pensioners there, really encourages us. If you have not attended so far, feel free to come and discuss the issues.

After settlement of 78.2% IDA merger and 60:40 pension issue, our next task is automatic pension revision as is happening to the CDA pensioners. We have already taken up the issue with DPE and expect positive result.

While concluding I request all pensioners to visit our website www.aibsnlretd.org regularly and get updated.

With Best Wishes

Sitanshu Sarkar
State Secretary

Join AIRBSNLEWA The Association which deliver for the Pensioners and Committed to Protect The Right of The Pensioners. You may send your details like Full Name, Full Residential Address, Mobile No, Landline No, Date of Retirement, Last Designation, Email id, PPO No. to Sri Prasun Madhab Chattopadhyaya, Financial Secretary (Mob. : 9433082055) along with a/c payee cheque of Rs 525/- drawn in favour of All India Retired BSNL Executive Welfare Association to his address “Pijus Nibas” 8/3 Raj Kumar Chatterjee Street. Ariadaha, Kolkata 700057. for life membership.

78.2% IDA merger for pensioners from 1-1-2007

The Backdrop: The Department of Public Enterprise (DPE) on 26-11-2008 has notified the Government's Decision on 2nd Pay Review Committee (2nd PRC) and has allowed 50% IDA merger from 1-1-2007 **effectively amounting to 68.8 % IDA merger** with 30% fitment benefit. Accordingly DOT has also approved the Pay revision of BSNL Executives on 27-02-2009 which was followed by BSNL order dated 5-3-2009. After issuance of BSNL order dated 5-3-2009, the pay revision process of BSNL Executives were taken up and completed by merging 50% IDA (effectively amounting 68.8% IDA) with 30 % fixation benefit.

After issuance of BSNL pay revision order dated 5-3-2009, DPE based on complaints received by oil sector executives, issued a modified order on 02-04-2009 allowing 50% IDA merger, **effectively amounting to 78.2% IDA merger from 1-1-2007** with 30% fixation benefit in place of 68.2% IDA merger as allowed in earlier order dated 26-11-2008.

Thus due to early implementation of the 2nd PRC order, pay of the executives in BSNL were fixed less as on 1-1-2007 than the revised order of DPE dated 02-04-2009. The pensioners who retired between 1-1-2007 and 05-03-2009 did not find any difficulty at that time in getting the revised pension as their pay on 1-1-2007 was actually revised and arrears paid up to the date of retirement resulting in revision of pension and pensionary benefits as per the revised last pay drawn certificate.

For the Pensioners who retired before 1-1-2007, DOT separately processed the issue and got the cabinet approval for their pension revision also by merging 68.8% IDA and 30% fixation benefit from 1-1-2007. The

order was issued on 15-3-2011 and accordingly pension of pre 2007 pensioners were revised from 1-1-2007 and arrears up to March 2011 also paid.

78.2% IDA merger implemented but Pensioners left out: Due to continuous pressure from Unions and Associations of BSNL including the pensioners like Strike, Dharna etc, DOT issued order on 10-06-2013 allowing benefit of 78.2% IDA merger to BSNL employees from 1-1-2007 but mentioned that no arrears will be paid to them till 09-06-2013. There was no mention about the pensioners in the said order. We in AIRBSNLEWA immediately pointed out that the employees retired between 1-1-2007 and 10-06-2013 will not get the benefit of the order, as the arrears before 09-06-2013 is not being paid, hence the actual pay last drawn of these pensioners will not be revised resulting in non revision of their pension also. For the pensioners retired before 1-1-2007, a fresh order will be required as was the case for 68.8% implementation. Unfortunately other than us and AIRBSNLEA, almost all other Unions/Association including Pensioner's Association were in illusion that 78.2% IDA merger will be effective for pensioners also based on DOT order dated 10-06-2013. It took months to clear their illusion. However our Association and AIRBSNLEA have started persuasion with DOT without any lapse of time pointing out the fact that the Pensioners are deprived.

Present Status of the Case : However after lot of persuasion and file movement within DOT and out side DOT, ultimately the draft Cabinet Memo on 78.2% IDA merger for pensioners has been approved by the MOC Sh. Ravi Shankar Prasad on 09-06-

2015 exactly after two years of issuance of the order for serving employees. Now as per the procedure the Cabinet note has been circulated to four nodal ministries i.e. Legal, Expenditure, Public Enterprises and Pension & Pensioners welfare for their comments. After receipt of the comments DOT will prepare the reply of the comments and it will be compiled with the cabinet memo and will be submitted for Cabinet Approval. As gathered from the reliable sources the Cabinet Memo has proposed the following:

1) For Pre 2007 Pensioners: Their pension will be notionally revised by merging 78.2% IDA as on 1-1-2007 but the revised pension will be actually paid from 10-06-2013

2) For Post 2007 Pensioners: Their pay will be notionally revised from 1-1-2007, which will also revise their last pay drawn notionally. The pension will be revised accordingly from their date of retirement but will be actually paid from 10-06-2013.

3) It is also proposed to abolish the 60:40 pension sharing system with BSNL as was approved in the cabinet memo dated 29-12-2010.
(discussed else where in this journal)

It is now expected that within two months time i.e. by August middle the order may be issued after the proposal gets the nod of the Cabinet. Now let us analyse what benefit the pensioners will get and what they won't get as per the proposal.

As per Supreme Courts Judgement

	Due Benefit expected to be allowed in the order	Due Benefits anticipated to be disallowed in the order
Pre 2007 Pensioners	i) Increased monthly pension from actual date of effect by CCA ii) Arrears of increased pension from 10-06-2013 to actual date of effect.	i) Arrears of increased Pension from 1-1-2007 to 09-06-2013
Post 2007 Pensioners	i) Increased monthly pension from actual date of effect by CCA ii) Arrears of increased pension from 10-06-2013 to actual date of effect.	i) Arrears of increased Pension from date of retirement to 09-06-2013. ii) Arrears of Gratuity amount as per Increased Last Pay Drawn. * iii) Arrears of commutation amount as per Increased Pension. * iv) Arrears of leave encashment amount as per Increased Last Pay Drawn. * v) Pay Arrears from 1-1-2007 to date of retirement. <i>(The pay arrears have not been paid to serving employees also)</i>

* *(One Association has reported in their website that DOT has included payment of these items also in the Cabinet Memo. We have verified with Director (Estt) DOT, who has denied such inclusion)*

“Pension is Property and cannot be withheld or curtailed”. Also there cannot be different class among the same group of pensioners. This has been pointed out only by our Association and AIBSNLEA to DOT during the process. (*Letter printed under comm. made*). Although DOT stuck to the policy of actual payment only from 10-06-2013, we did not want to create any hurdle in the file processing of DOT for obvious reasons but did not hesitate to point out the injustice being

done to the Pensioners and also violation of SC Judgment. No other Association raised any voice against this deprivation. **After issue of the order if the injustice as mentioned still prevails then, this Association is committed to fight out that injustice by taking suitable course of action. Pensioners (members & non members) may visit regularly www.aibsnlretd.org to know our future action or can contact us.**

Cabinet Approval to 60:40 Pension Sharing with BSNL – A Serious Threat To The DOT Pensioners Retired after 1-10-2000 and also before 1-10-2000

With the approval of the **cabinet memo dated 29-12-2010** by the Union Cabinet on 20-01-2011 the question of smooth payment of pension to BSNL absorbees and to those who retired before formation of BSNL is certainly **at stake**. The Union Cabinet has approved Para 6 of the said cabinet memo which reads as below:

6.2 “....., and government liability of pension being limited to 60% of receipts as mentioned in Para 3.2 to 3.5 of this note”

and Para 3.5 reads as **“After this revision the annual pension liability of the government in respect of employees of DoT/DTS/DTO who retired prior to 1.10.2000 and those who have worked or working in BSNL on deemed deputation and for those who are absorbed in BSNL, shall not exceed 60% of annual receipts to the Government from (i) Dividend income from MTNL/BSNL, (ii) Licence fee from MTNL/BSNL, and (iii) Corporate Tax/Excise Duty/Service tax paid by BSNL. If**

the annual pension liability exceeds the figure 60%, the balance amount is to be paid by BSNL.”

It may be recalled that earlier DOT vide No 1-45/2003-B dated 15-06-2006 has communicated the same provisions of pension fund sharing as above to the CMD BSNL. This was strongly objected by the Joint Forum and subsequently on 05-01-2009, Sri Sidhartha Behura the then Secy(T) issued a letter clarifying the position that the provision of 60% is only for “funding purpose”, and **it does not in any way distract from the fact that ultimate liability of paying pension lies with the Government of India. And if BSNL for any reason is unable to contribute, the Government of India will still pay the admissible pension to BSNL employees”**

But in the Cabinet Memo approved on **20-01-2011**, the assurance that “the government will still pay if BSNL is unable to contribute” is **absent** and it is only stated

the “**Government liability is limited to 60% of the collection.**”

It seems that DoT is bent upon to implement the pension payment fund sharing with BSNL as per clause 20 of Rule 37A, overlooking the fact that as per clause 21, of Rule 37A which reads “Nothing contained in sub-rules (12) to (20) shall apply in the case of conversion of the Department of Telecom Service and Telecom Operations into Bharat Sanchar Nigam Limited, in which case the pensionary benefits including family pension shall be paid by the Government.”

(copy of the note sheets are available in www.aibsnlretd.org)

As per the 60:40 fund sharing the fund position of collection from BSNL and payment of Pension is as below for last 5 years :

All amount in crores

This was strongly protested by AIRBSNLEWA and AIBSNLEA and Joint Forum also taken up the issue in the 2 days strike in April 2015. **Now it is learnt that in the cabinet note for extension of 78.2% IDA merger for Pensioners, DOT has**

Year	Divdnd	Corp. Tax	Service Tax	Excise Tax	License Duty	Total Fee	60% of Total	Pension Paymen
2009- 10	Not paid	1935.00	2914.68	37.75	2154.10	7041.53	4224.91	2987.18
2010-11	Not paid	479.87	2355.13	8.20	1671.05	4514.25	2708.55	3522.81
2011-12	Not paid	456.04	2412.38	4.91	608.16	3481.49	2088.89	4822.98
2012-13	Not paid	392.35	2899.18	5.30	437.10	3733.93	2240.35	5685.13
2013-14	Not paid	196.12	2871.80	2.88	636.52	3707.32	2224.39	5657.03

*(All amounts in crores)

The documents collected through RTI also revealed that in the draft cabinet note the clause that “**if BSNL for any reason is unable to contribute, the Government of India will still pay the admissible pension to BSNL employees**” was there but while approving the draft those lines are removed from the final draft which was subsequently approved by the cabinet.

proposed to withdraw the 60:40 provision as was approved in the earlier cabinet note. This is a welcome development but we have to wait for the final approval and subsequent order before final rejoice. This Association is totally committed to fight out this issue together with AIBSNLEA in the appropriate forum if not withdrawn. (All documents are available in website www.aibsnlretd.org).

WE ARE MEETING AT EVERY WEDNESDAY 4 pm TO 6 pm At Ranigaunge Coal House (near Roxy Cinema), 2nd Floor Room No 74. Visit us for any problem without any hesitation.

Free Night Calling Facility from BSNL Land Lines and Number of Free Calls

Recently BSNL has introduced Free Night Calling Facilities from land lines to any number of any operator across India from 09 PM to 07 AM. Unfortunately the concessional telephones given to the pensioners are excluded from this facility. Further the number of Free Calls allowed to these land phones are 550 (500+50) at

present. But as per order the Pensioners are supposed to get 500+ free calls allowed to ordinary subscribers, which is 220 calls to BSNL network as at present. AIRBSNLEWA has taken up both the issues with BSNL CO and presently it is under their active consideration. *(PI see the letter under communications made).*

MEDICAL FACILITIES (OUTDOOR & INDOOR)

Pensioners located in Kolkata are suffering since long in absence of any empanelled hospitals with cashless treatment with the exception of Kothari Medical Center, where cashless facilities were available for some time.. We have been negotiating with the management vigorously on this issue and also the problems of settlement of claims of Out Door treatment. We have also suggested that in absence of cashless empanelment at least let there be some hospitals with cash basis treatment on CGHS rates, so that burden on the pensioners will be less and they can get back almost the full amount they spent. Management requested us to approach the hospitals with these proposals. We approached 15 hospitals and 11 of them agreed with the proposal. We further directed them to HCU of CTD. HCU has finalised the issue and 18 hospitals are empanelled for treatment on Credit Basis for next year 2015-16.

However Pensioners can avail credit facility for only Seven Hospitals and for remaining eleven Hospitals they can have treatment on Cash Basis at CGHS rate for which they can claim reimbursement. It has been noted that in the list there is no

specialised Heart Hospital. We have taken up the issue with the management. It is learnt that negotiation is going on with Desun Hospital and it may be empanelled very soon. **However although not empanelled B M Birla Heart Research is accepting BSNL patients on Cash Basis at CGHS(NABH) rate at present.**

(Order for empanelment of hospitals on cashless basis is printed in this Journal.)

Outdoor Treatment: We are fully aware about the problems pensioners are facing in getting reimbursement of their outdoor treatment claims. Although order for payment through ECS have been issued long back, some areas have not implemented it. To avoid the harassment and mental agony, almost 80% of the pensioners are not submitting the claims at all. We have taken up the issue with the management. A meeting was held with the CGM and other Senior GMs and the issues were discussed in detail. After the meeting an order has been issued by CTD management, streamlining the problems in settlement of outdoor medical claims. The notification of the meeting and the order is printed in this journal. We are now negotiating with other CGMs for issuance of the same type of order.

PENSION AND MEDICAL ARE THE RIGHT OF THE PENSIONERS. WE ARE COMMITTED TO PROTECT THE RIGHT AT ANY COST. HELP US IN OUR ENDEVOUR. BE A MEMBER OF All India Retired BSNL Executives Welfare Association.(AIRBSNLEWA).

DEPARTMENTAL ORDERS / COMMUNICATIONS

(1)

No. DGA/Misc./14-15/94

Dated at Kolkata, the 08.04.2015

To
Dy. General Manager (HR & Admn.)
Kolkata

Sub.: Meeting with pensioners on Medical facilities.

A meeting will be held with CGM & members of All India Retired BSNL Executive Welfare Association on 09.04.2015 at 11.30am. at Conference Room of Telephone Bhawan.

You are requested to attend the meeting with the compliance of Agenda points.

The letter of circle Secretary of All India Retired BSNL Executive Welfare Association containing the Agenda point is enclosed.

To
Sri K K Sapra
Chief General Manager
Calcutta Telephone
Kolkata


(M.D. Naskar)
DGM(HR & Admn.)
Calcutta Telephones

Sub. : Granting of a meeting with pensioners on Medical facilities

Dear Sir,

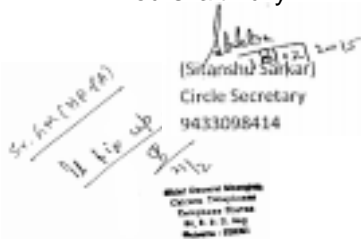
It is almost four months, we have written number of letters to CTD management on various problems faced by the Pensioners related to Health Care. We met GM (Finance) and also PGM (CFA) and explained them the problems. They were sympathetic but nothing positive has been done. A note on problems and the solutions suggested by us is enclosed for your kind perusal.

As regards suggestions on indoor treatment the management has requested us to approach the Hospitals on the terms as mentioned in the note. We approached 15 hospitals and seven out of them has agreed to offer treatment at CGHS rate on cash basis. They also made contact with HCD CTD but after that nothing happened.

Sir, Kindly grants us a meeting at your convenience to discuss and settle this vital issue for the sake of the helpless pensioners.

With kind regards,

Yours faithfully


[Siranshu Sarkar]
Circle Secretary
9433098414
Dy. General Manager
Calcutta Telephone
K. K. S. Sapra
Kolkata - 700011

Note on the problems of Pensioners and suggestion already submitted.

For Outdoor Medical Bills Reimbursement :

As you are aware that after some years of retirement, the mobility of the pensioners become restricted particularly in Kolkata's public transport system. In view of this and to avoid the unnecessary harassments we suggest the following :

□ AIRBSNLEWA VOICE

- Circulation of a standard common procedure for filling up prescribed claim form and enclosures required to be given. This will eliminate various systems prevailing at present in different areas and bring uniformity.
- Arrangement of receiving the claim forms from the pensioners by Post/Couriers and acknowledging the receipt immediately. For this the pensioners are ready to provide one self addressed Post Card along with filled up claim forms.
- Registering the claim forms in the same list along with the serving employees. At present almost all areas are handling the case of pensioners separately with second priority. This is to be avoided. The claims of pensioners for reimbursement of outdoor medical bill are to be processed at par with serving employees.
- Payments to be made only by ECS for pensioners.
- Monitoring the system in monthly reports.

For Indoor Treatment

At present only one hospital, Kothari Medical Center, is offering cashless treatment to the employees and pensioners. The agreement is upto 31-3-2015 only. For general treatment no hospital is empanelled at present. As our experience goes, even if some arrangements are made after making some payment, the crisis situation will come back again after couple of months. We therefore suggest the following measures which may be implemented permanently to avoid the crisis :

- An agreement may be made with the hospitals that are ready to treat the indoor patients of Calcutta Telephones at CGHS rate (normal, NABH, Super Speciality as applicable) on cash basis. During emergency the pensioners can get themselves admitted and can get subsequent reimbursement of almost the entire amount they will be paying to the hospitals at CGHS rate. For example such agreement can be immediately made with Kothari Medical Centre and B M Birla Heart as they are ready with CGHS rates. **This arrangements will be made effective only for the period when cashless treatment is denied or stopped.**
- Other formalities like permission for admission, weekly permission etc will also be applied this system like cashless.
- The bills which will be submitted by pensioners to be processed and paid quickly.
- This system may be implemented for serving employees also if they agree.

(2)

No. SUM-5000/REWA/CTD/45

Dated at Kolkata, the 08.06.2015

To
All Addl GMs/DGMs,
Calcutta Telephones

CIRCULAR

As per decision of the competent authority of Calcutta Telephones District, the following guidelines is to be followed by the filed units in regard to Outdoor Medical Facilities of retired employees :-

1. Pensioners may send the claim forms by speed post or by courier and the tracking report will be considered as acknowledgement.
2. Claim forms are required to be filled in as per the norms laid down in BSNLMRS by Corporate Office. No local system other than what is prescribed in BSNLMRS should be introduced.
3. All outdoor medical claims received from serving employees and pensioners are to be processed simultaneously as per date of receipt. Any lapse in the claim forms resulting in non processing, should be intimated to the pensioners for necessary correction.
4. All payments to the pensioners should be through ECS only.


(M.D. Naskar)
DGM(HR & Admn.)
Calcutta Telephones

(3)

List of empanelled Private Hospitals / NHs for indoor medical treatment under BSNLMRS. Calcutta Telephones. (No. HCU-4003/BSNL/MED/ INDOOR/1 Dated at Kolkata -1, the 26-06-2015

As per the approval of competent authority of Calcutta Telephones District. keeping in view of circular vide No. 1001-16/2007Taxation/BSNL/57 dated 06-02-08 of Jt. D.D.G.(Taxation), BSNL CO., New Delhi, & No. BSNL/Admnl/15-5/07 dated 22-12-2008 of A.G.M.(Admn.I), BSNL CO, New Delhi, agreement were executed with the following **two categories** of private Hospitals / Nursing Homes for the period mentioned against each for indoor medical treatment of the beneficiaries of C.T.D. / BSNL as per BSNLMRS.

CATEGORY-I --- SEVEN numbers of private Hospitals / Nursing Homes are either having the required certificate issued by Income Tax Authority or approval of CGHS Authority to get exemption from tax liability by the BSNL employees/pensioners. The said Hospitals / Nursing Homes will provide indoor medical treatment under BSNLMR Scheme to both the BSNL **SERVING / RETIRED** beneficiaries **ON CREDIT BASIS**.

CATEGORY-II ELEVEN numbers of private Hospitals / Nursing Homes are neither approved by CGHS nor having the required certificate from Income Tax authority to get exemption from tax liability by BSNL employees. The said Hospitals/Nursing Homes will provide indoor medical treatment under BSNLMR scheme as under:

a) To the beneficiaries of **SERVING EMPLOYEES ON CREDIT BASIS**. The amount paid to the Hospitals | Nursing Homes for this purpose will be considered as perquisites chargeable to income tax & the tax will be deducted from the salary of the employee if applicable.

b) To the beneficiaries of **RETIRED EMPLOYEES ON CASH PAYMENT BASIS**. Subsequently the claim should be submitted for reimbursement. The reimbursement will be made as per BSNLMRS rules after deduction of requisite income tax, if applicable.

CATEGORY-I

(List of Hospitals / NHs for Credit basis indoor treatment for the beneficiaries of **SERVING** and **RETIRED** employees)

Sl. No.	Name & Address of the empanelled Hospitals Nursing Home	Telephone No.	Fax No.	Period of agreement	
				From	To
1.	BARRACKPORE MEDICARE & RECOVERY CENTRE LTD. 6/6, B.T. Road, Talpukur Kolkata-700123, North 24 Parganas	2501-4947 2501-4027	2501-0074	01-07-15	30-11-15
2.	KOTHARI MEDICAL CENTRE 2' 8/3, Alipore Road, Kolkata - 700 027	2456-7050 to 59 4012-7000	2456-7044	01-07-15	01-09-15
3.	DR. NIHAR MUNSI EYE FOUNDATION 3. 1/3 Dover Place, Kolkata-700 019	2461-8733 2461-9844 2461-9567	2461-9767	01-07-15	31-12-15

Sl. No.	Name & Address of the empanelled Hospitals I Nursing Home	Telephone No.	Fax No.	Period of agreement	
				From	To
4.	NAMITA BISWAS MEMORIAL EYE HOSPITAL (Managed by VISION 4. WELFARE SOCIETY) Station Park, P.O. Garia, PS ' Sonarpur,Kolkata-700084	2432-6912 2432-8579		01-07-15	31-12-15
5.	SUSRUT EYE FOUNDATION RESEARCH CENTRE HB-36/A/1, Sector-III, Salt Lake City Kolkata -700 106	2358-0201 2334-1628/ 1632 /1648	2334-0651	01-07-15	30-06-16
6.	SILVERLINE EYE HOSPITAL 396, Prince Anwar Shah Road, Kolkata — 700 045	2472 0836 2473-6940	2472 0836	01-07-15	10-10-16
7.	SANKARA JYOTI EYE INSTITUTE 5/1, M. S. M. Road, Khardah, P.O. B.D. Sopan, North 24 Parganas.	2583-1616/ 1716, 2592- 1086/ 2484	2583-1616	01-07-15	30-06-16

CATEGORY-II

(List of Hospitals / NHs for Credit basis indoor treatment for the beneficiaries of SERVING employees and cash payment basis indoor treatment for the beneficiaries of Retired Employees.)

Sl. No.	Name & Address of the empanelled Hospitals I Nursing Home	Telephone No.	Fax No.	Period of agreement	
				From	To
1.	BEHALA BALANANDA BRAHMACHARI HOSPITAL & RESEARCH CENTRE ' 151 & 153, Diamond Harbour Road, Kolkata-700034.	2407 2112 2407-2396 2407-7801	23974060	01-07-15	31-12-15
2.	CHARRING CROSS NURSING HOME(P) LTD. 2c, Motilal Basak Lane,Kolkata-700054.	2210-2135	2359'8350	01-07-15	30-06-17
3.	KPC MEDICAL COLLEGE & HOSPITAL JADAVPUR, 1F, Raja S. C. Mullick Road, Kolkata-700032.	3001-6156 to 60	2429-8488	01-07-15	08-01-16
4.	MIDLAND NURSING HOME PVT. LTD. 19/1 B.T. Road Kolkata-700056	2583-5040 2583-5766	2523-1358	01-07-15	31-12-15
5.	NABAJIBAN HOSPITAL PVT. LTD. 5,Shibdas Bhaduri Street,Kol-700004.	2555-1544 2555-2613	25552825	01-07-15	25-02-16

Sl. No.	Name & Address of the empanelled Hospitals I Nursing Home	Telephone No.	Fax No.	Period of agreement	
				From	To
6.	RENUKA EYE INSTITUTE 25/3, Jessore Road, Barasat North 24 Parganas.	2584 4700 2584:4714	2584-4714	01-07-15	30-06-17
7.	SHREE JAIN HOSPITAL 12, G. T. Road(S), Howrah-711102.	3091-7201 3091-7202 2641-5831/ 32	2638-1702	01-07-15	14-09-15
8.	S. N. R. CARNIVAL HOSPITAL A-9/16(S),Kalyani and Industrial Growth Centre, 1, G. c. WBIIDC, Plot-M &1-2,PH- III Kalyani, Nadia.	2582-8134 2582-1395 6501-0669 6501-0053	2582-8402	01-07-15	13-12-16
9.	STERLING HOSPITAL 55/1, Bhupen Bose Avenue, Kolkata-700004.	2530-1313 2530-1314 2530- 13135	2533-4064	01-07-15	30-06-17
10.	PATNI HEALTHCARE LIMITED(Currae Eye Care Hospital) 106, Jessore Road, Madhyamgram North 24 Parganas	033-6677- 6677		01-07-15	23-12-15
11.	WE CARE 11. 101/1/Z/Z/M, R.S. Verma Road, P.O. & PS Uttarpara, Hooghly	9830773636 2663-6141 2664-0444	2663-5427	01-07-15	31-12-15

Having any Problem on pension related issues ? Kindly visit Deputy CCA, 1st Floor, 8 Hare Street, Kolkata on any Thursday 3PM to 4 PM or register the grievances with www.pensionersportal.gov.in. You may also lodge complain with Pension Adalat of concerned circle CCA. Visit www.ccakolkata.gov.in or www.ccawestbengal.gov.in Pensioners Help Line (toll free) CCA CTD 18003451801, CCA WBT 18003452000

COMMUNICATIONS MADE

(1)

Subject: Deliberate attempt by DOT to limit and dilute the Government's liability for payment of Pension / Family Pension to 5.2 Lacs DOT Retirees as on 1/10/2000 (i.e. 1.7 Lacs DOT Pensioners as on 1/10/2000 drawing Pension from consolidated fund of India and 3.5 Lacs DOT employees, absorbed in BSNL and deemed DOT Retirees as on 1/10/2000 F/N), contrary to Rule 37-A of CCS Pension Rules and clear policy pronouncements by two former Secretaries(T), DOT i.e. Shri Nripendra Misra and Shri Siddhartha Behura vide D.O. dated 15/3/2005 and OM dated 05/01/2009.

Respected Sir,

It is brought to your kind notice that on 30/9/2000, DOT/DTS had around 3.5 Lacs employees on their pay roll. DOT also had 1.7 Lacs Pensioners/family Pensioners who had retired from DOT/Govt. service prior to 01.10.2000 and who were drawing pension from consolidated fund of India. Rule 37-A of CCS (Pension) Rules, 1972 was notified on 30.9.2000 and corporatization of DOT/DTS and formation of BSNL was carried out with effect from 01-10-2000 on as is where is basis. On 1/10/2000 F/N all the 3.5 lacs DOT employees, transferred to BSNL, became deemed DOT Retirees. Thus total number of DOT Retirees on 1/10/2000 rose to 5.2 Lacs i.e. 1.7 lacs DOT Retirees and 3.5 Lacs deemed DOT Retirees. Rule 37-A of CCS (Pension) Rules was notified to make provision for payment of all pensionary benefits to these 5.2 Lac DOT Retirees by the Government of India.

Options for absorption in BSNL were called for and finalized subsequently but there was no mention of any dilution/ limitation of liability on part of Govt. of India regarding payment of pension/family pension in any of the documents i.e. either in the Rule 37-A of CCS (Pension) Rules or in the DOT OMs calling for absorption in BSNL.

Suddenly, after a period of six and a half year of corporatization of DOT and formation of BSNL. DOT Finance issued OM No. 1-45/2003-B dated 15-6-2006 to limit and dilute the Government's liability for payment of pension/family pension to 5.2 Lacs DOT Retirees as on 1/10/2000, contrary to clear policy pronouncement by former Secretary (T). DOT i.e. Shri Nipendra Misra vide No.1-45/2003-B dated 15/3/2005. The DOT subsequently obtained a covering approval for DOT Finance OM dated 25th June 2006 through a misleading Cabinet Note dated 29.12.2010 omitting any reference to the two important policy-pronouncements made by two former Secretaries (T) vide OMs dated 15/3/2005 and 05/01/2009 as mentioned herein below. The full facts and details of the case are elaborated below :-

1. **Rule 37A of CCS pension rule** was notified by Govt. of India under Art 309 of the Constitution of India, which specifically dealt with liability for payment of Pension/ Family Pension to 5.2 Lac DOT Retirees as on 01/10/2000 i.e. 3.5 Lacs deemed DOT Retirees (i.e. DOT Employees, transferred/ absorbed in BSNL w.e.f. 01/10/2000 F/N) and 1.7 Lacs DOT Pensioners/ family Pensioners who had retired from Deptt. of Telecom prior to 01/10/2000 and were drawing Pension from consolidated fund of India. Pen-

sion liability of 5.2 lacs DOT Retirees / deemed DOT Retirees was transferred to new dispensation specified by Govt. of India under sub rule (22) to (24) of Rule 37-A of CCS Pension Rules as quoted below:-

“(22) Nothing contained in sub-rules (13) to (21) shall apply in the case of conversion of the Departments of Telecom Services and Telecom Operations into Bharat Sanchar Nigam Limited, in which case the pensionary benefits including family pension shall be paid by the Government.

(23) For the purposes of payment of pensionary benefits including family pension referred to in sub-rule (22), the Government shall specify the arrangements and the manner including the rate of pensionary contributions to be made by Bharat Sanchar Nigam Limited to the Government and the manner in which financial liabilities on this account shall be met.

(24) The arrangements under sub-rule (23) shall be applicable to the existing pensioners and to the employees who are deemed to have retired from the Government.”

2. Terms of settlement between DOT and BSNL specified vide OM dated 31/7/2002:

The Govt. of India DOT, vide OM No.-7-1/2000/TA-1/17 dated 31-07-2002, defined the terms of settlement between BSNL and DOT wherein BSNL was asked to pay Pension Contribution for deemed deputationists and absorbed employees of BSNL as per FR 116 And FR 117 of CCS Pension Rules. Pension Contribution was to be calculated on the on the Maximum of the Scale of the post held by the employee and it was paid/continues to be paid accordingly.

3. Full Pension liability For 5.2 lac DOT retirees rests with Govt. of India w.e.f.

1/10/2000 onwards as per Rule 37-A of CCS Pension Rules and terms of settlement between DOT and BSNL:-

Pension liability of 5.2 LACs DOT Retirees(i.e.DOT 1.7 Lacs DOT retirees and 3.5 Lacs deemed DOT Retirees) during the period from 1/10/2000 to 14th June 2006 was met by Government of India vide Rule 37-A of CCS Pension Rules. Government decision and policy was communicated by Shri Nripendra Misra, then Secretary DOT vide letter No.1-45/2003-B dated 15/03/2005 addressed to CMD, BSNL, which categorically defines the Pension liability of BSNL and the Government of India as quoted below:-

i) Pension in respect of DOT retirees will be paid by Govt. of India.

ii) In respect of employees who were on deemed deputation to BSNL, BSNL will be liable to pay Pension Contribution as per FR 116 for the period they have worked in BSNL and the pension liability will be met by Govt. of India.

iii) In respect of officials/ officers absorbed in BSNL, BSNL will be liable to pay Pension Contribution as per FR 116. The liability on account of pension payable will be that of Govt. of India.

iv) BSNL on their part will pay the pension contributions in respect of absorbed employees till the date of their retirement and also in respect of employees who were on deemed deputation till the retirement or till the date they are reverted back to Government of India.

4. DOT Finance issues OM No.1-45/2003-B dated 15/6/2006 to limit/ dilute the Pension Liability of Govt. of India:-

In June 2006, DOT Finance appeared to

have a malicious afterthought for the reasons best known to them and it decided to over-rule / modify the policy pronouncement made by Secretary (T) vide letter dated 15/03/2005. Consequently DOT OM No.1-45/2003-B dated 15/6/2006 was issued by DDG(FEB) which transferred liability for payment of Pension to 1.7 lac DOT Retirees from Govt. of India towards license fee and TAX Revenue Receipts from BSNL and MTNL. The pension liability of 3.5 lacs deemed DOT retirees absorbed in BSNL was also linked to license fee and TAX Revenue Receipts from BSNL and MTNL. A further condition was imposed that the liability of Govt. of India was limited to 60% of license fee and TAX Revenue Receipts from BSNL and MTNL. Any additional expenses incurred for Pension were to be met by BSNL. No consent for such a proposal/ dispensation was obtained from either BSNL or MTNL before imposing such an arrangement upon them.

5. Secretary (T) issues clarification to aforesaid OM dated 15/6/2006 vide DOT OM NO.40 12/2007-PEN(T) dated 05/01/2009:-

View taken by DOT finance vide OM dated 15/6/2006 was revised/ clarified by then Secretary(T), Shri Siddhartha Behura vide OM NO.40-12/2007-PEN(T) dated 05/01/2009 wherein full Government liability for payment of pension to BSNL Employees is confirmed. It is categorically stated under para 2 of the aforesaid OM that:

“2. In this context, it is hereby clarified that the above said limit of 60% is for normal funding. This does not in any way distract from the fact that the ultimate liability towards pensionary benefits including family pension to the BSNL Employees (excepting those re-

cruited after 1/10/2000), as per sub-rule 21 of Rule 37-A of CCS (Pension) Rules 1972, lies with the Government of India. If BSNL, for any reason, is not able to contribute to the extent prescribed in para 1 above, the Government of India will still pay the admissible pensionary benefits including Family Pension to BSNL Employees (excepting those recruited after 1/10/2000).”

6. DOT obtains covering Cabinet Approval to limit the Pension Liability of Govt. of India after a lapse of four years for DOT OM No.1-45/2003-B dated 15/6/2006:-

Cabinet Note for IDA Pension Revision was moved on 29/12/2010 by DOT vide F.No.40-17/2008-PEN(T) dated 29-12-2010. Contents of DOT OM dated 15/6/2006 were incorporated verbatim under Paras 2.6 (Justification) and Para 3.5 (Proposal) of the Cabinet Note dated 29-12-2010.

It was mandatory on part of DOT to mention in above Cabinet Note dated 29/12-2010 the two important Policy pronouncements on Pension liability of DOT made by two former Secretaries(T), DOT i.e. Shri Nripendra Misra vide DO No.1-45/2003-B dated 15/03/2005 addressed by Secy(T) to CMD, BSNL and again by Shri Siddhartha Behura then Secretary(T) vide DOT OM dated 05/01/2009. **But no mention of these two important DOT orders was made in the Cabinet Note moved vide F.No.40-17/2008-PEN(T) dated 29-12-2010, intended to obtain Cabinet’s nod for DOT OM No.1-45/2003-B dated 15/6/2006 issued by DDG(FEB).** It appears that such a step has been taken by DOT deliberately to dilute / limit the Government’s commitment and its

liability towards payment of Pension / Family Pension to 5.2 Lacs DOT Retirees as on 1/10/2000 i.e. 1.7 Lacs DOT Pensioners as on 1/10/2000 drawing Pension from consolidated fund of India and 3.5 Lacs DOT employees, absorbed in BSNL and deemed DOT Retirees as on 1/10/2000 F/N, contrary to Rule 37-A of CCS Pension Rules, OMs calling for absorption in BSNL and clear policy pronouncements by two former Secretaries(T) as stated in paras above.

7. Inquiry into issue of DOT Finance OM Dated 15/6/2006 without a Cabinet Approval and subsequent covering approval for its contents vide Cabinet Note dated 29/12/2010:

You are requested to look into the matter as to how the policy to limit the DOT 's liability for payment of Pension to 5.2 Lacs DOT Retirees/ deemed DOT Retirees as on 1/10/2000 could be issued vide DOT Finance OM dated 15/6/2006 without obtaining a Cabinet Approval for the same, even though contrary Policy Pronouncements was made by former Secretary (Telecom.) were already on record vide aforesaid OM s dated 15/3/2005.

Further inquiry needs to be made as to how Covering Cabinet Approval for DOT Finance OM dated 15/6/2006 was obtained vide Cabinet Note dated 29/12/2010 for IDA Pension Revision without making any mention of contrary Policy Pronouncements on the same issue made by two former Secretaries (Telecom.) vide OM s dated 15/3/2005 and 05/01/2009.

8. Safeguarding Pension/ Family Pension of 5.2 Lacs DOT Retirees as on 1/10/2000 in terms of Rule 37-A of CCS Pension Rules and commitments/Policy Pronouncements made by two former

Secretaries(Telecom.) vide OM s dated 15/3/2005 and 05/01/2009:-

It is once again highlighted that Pension/ Family Pension of 1.7 Lacs DOT Retirees as on 1/10/2000 and 3.5 lacs deemed DOT Retirees, who had served for more than 25 to 30 years in DOT, and were absorbed in BSNL w.e.f. 1/10/2000, needs to be fully protected in terms of Rule 37-A of CCS Pension Rules and Policy Pronouncements commitments/ made by two former Secretaries (Telecom.) vide OM s dated 15/3/2005 and 05/01/2009.

You are requested to look into the matter and ensure that Pension/Family Pension of DOT Retirees and deemed DOT Retirees is adequately protected and paid by the Government of India in terms of Rule 37-A of CCS Pension Rules, 1972 and Policy Pronouncements/commitments made by two former Secretaries (Telecom) vide OMs dated 15-3-2005 and 05-01-2009 without any dilution/limitation on this account.

You are also requested to take necessary corrective actions immediately to negate the impact of statements made in paras 2.6 and 3.5 of the cabinet memo dated 29th December 2010. A fresh administrative order, reassuring the 5.72 lacs DOT Retirees/deemed DOT Retirees, similar to that of former Secretary (T), Shri Siddhartha Behura's order issued vide OM. No. 40-12/2007-PEN(T) dated 05/01/2009, may kindly be issued at the earliest.

Thinking you.

(Adressed to Shri Rakesh Garg, Secretary DOT by GS Com Kishen Singh on 16-04-2015. Similar letter was addressed to MOC Sh Ravi Shankar Prasad also)

(2)

Subject: Overlooking the Supreme Court's Judgment on withholding of Pension and pensionary benefits (CA No. 6770 of 2013) Judgment delivered on 14-08-2013 while implementing the 78.2% IDA merger issue to the BSNL pensioners retired before 09-06-2013. (No. AIRBSNLEWA/2015-16/ Dated: at New Delhi 19.11.2014)

Hon'ble Sir,

Kindly refer our earlier letter dated 29-10-2014 where all aspects of the issue of 78.2% IDA merger for BSNL pensioners, in the light of DoE's memo dated 15-10-2014, have been explained for your kind consideration. But thereafter during a discussion with the officers of DoT on 12-11-2014, we understood that DoT is going ahead for the preparation of a Cabinet Memo in line with DoE's Memo for quick settlement of the issue. We are not against the early settlement but certainly not at the cost of the pension and pensionary benefit arrears. One point in DoE's Memo we could not understand is when they are allowing pension on notional pay, then why they are not allowing pensionary benefits also on notional pay.

I am again drawing your kind attention to the fact that the Supreme Court's Judgment dated 14-08-2013 regarding protection of pension as 'property right' for the Government Servants is being overlooked by Department of Telecommunication. In the said judgment the apex court has ordered the pension and pensionary benefits are the property right of the employees and cannot be taken away by administrative orders. If the final order on implementation of 78.2% IDA to pensioners is issued as per DoE's Memo then it will withheld the pension and pensionary benefits like gratuity, leave encashment etc for the BSNL pensioners retired prior to 09-06-2013.

The Supreme Court in the said

judgment (copy enclosed for ready reference) has clearly stated

"It is an accepted position that gratuity and pension are not the bounties. An employee earns these benefits by dint of his long unblemished service" (para 7) and again in para 8

"It is thus hard earned benefit which accrues to an employee and in the nature of "property". The right of property cannot be taken away without the due process of law as per the provision of Article 300 A of the constitution of India". Again in para 12(35) the SC opined"

Having regard to the above decisions, we are of the opinion that the right of the petitioner to receive pension is property under Article 31(1) and by mere executive order the state had no power to withheld the same. Similarly the said claim is also property under article 19(1)(f) of the constitution and as such the writ petition under Article 32 is maintainable."

Finally in Para 14 "Article 300A of the constitution is as under: "

"300A Persons not to be deprived of property save by authority of law – No person shall be deprived of his property save by authority of law" Once we proceed on that premise, the

question posed by us in the beginning of this judgment becomes too obvious. A person cannot be deprived of his pension without the authority of law, which is constitutional mandate enshrined in Article 300A of the constitution. It follows that attempt of the appellant to take away a part of pension or Gratuity or even leave encashment without any statutory provisions and under the umbrage of administrative instruction cannot be countenanced.”

The total number of BSNL pensioners retired before 09-06-2013 is around one lakh and twenty thousand. As the original employer and as per rule 37A of CCS Pension Rules DoT is committed to pay their pension and family pension as per eligibility from time to time. As original employer DoT cannot do any injustice to them by withholding the due pension and pensionary benefits, particularly during the regime of the present NDA government where Hon'ble prime minister Sh. Narendra Bhai Modiji has assured justice to all citizens. We are citing below examples of some pensioners with the amount of loss they would incur if arrears are held up till 09-06-2013. Their detail calculation sheets are attached.

1) **Shri Niloy Kumar Roy.** PPO No 8239 (06-07), Retired on 31-10-2006 (Pre

2007 pensioner). Total pension arrears he may loose from 1-1-2007 to 31-05-2013 is **Rs. 106410.20**

2) **Shri Sunil Kumar Dutta.** PPO No 5753(02-03) Retired on 31-12-2002 (Pre 2007 pensioner). Total pension arrears he may loose from 1-1-2007 to 31-05-2013 is **Rs. 73980.39**

3) **Shri Panchanan Biswas.** PPO No 8776(07-08) Retired on 31-07-2007 (post 2007 pensioner). His loss for pension is Rs. 77708.14, Gratuity Rs. 37459.00, Commutation Rs. 38747.00 and for leave encashment Rs.16680.00. Total loss is **Rs. 170594.14**

Thus it can be seen that for pre 2007 pensioners, for earlier retirees amount is less compared to pensioners retired just before 2007. While for post 2007 the pensioners retired early is facing more loss compared to those retired nearer to 09-06-2013,

However while concluding this letter again we appeal to your good self once again, not to deprive these huge number of pensioners and family pensioners from their due right of the arrear pension and pensionary benefits.

(Adressed to Shri Rakesh Garg, Secretary DOT by GS Com Kishen Singh on 19-11-2014. Similar letter was addressed to MOC Sh Ravi Shankar Prasad also)

Dear Members, Have you paid your Yearly Donation for the year 2015 ? If not kindly remit the amount urgently to Financial Secretary. You may send a/c payee cheque also to his residential address “Pijus Nibas” 8/3 Raj Kumar Chatterjee Street. Ariadaha, Kolkata 700057. Cheque to be drawn in favour of All India Retired BSNL Executive Welfare Association (Mob. No. 9433082055)

(3)

Sub: Provision of adequate Pension Revision Mechanism for 3.5 Lacs deemed DOT Retirees i.e. EX-DOT Employees retiring from BSNL after 1/10/2000 drawing pension from Govt. of India in respective IDA scales under CCS Pension Rules 1972 for the combined service rendered under Govt. of India and BSNL : Through Inclusion of Pension Revision of the deemed DOT Retirees/IDA pensioners from BSNL under the terms of reference for 3rd PRC.

Dear Sir,

Department of Telecommunications was corporatized on 1/10/2000. DOT/DTS had 1.7 Lacs DOT Pensioners / family Pensioners who had retired from Dept. Of Telecom. prior to 01/10/2000 and who were drawing Pension from consolidated fund of India. DOT had around 3.5 Lacs Govt. employees as on 1/10/2000 on DOT's pay-roll, who were categorized as deemed DOT Retirees because they were deemed to have retired from DOT w.e.f. 01/10/2000 F/N and they were en-mass transferred to BSNL w.e.f. 01/10/2000, on as is where is basis, after formation of BSNL on that date.

2. Rule 37A of CCS pension rules was notified by Govt. of India under Art 309 of the Constitution of India, which specifically dealt with liability for payment of Pension / Family Pension to 5.2 Lac DOT Retirees as on 01/10/2000 i.e. 3.5 Lacs deemed DOT Retirees (i.e. DOT Employees, transferred/absorbed in BSNL w.e.f. 01/10/2000 F/N) and 1.7 Lacs DOT Pensioners/ family Pensioners who had retired from Deptt. Of Telecom. prior to 01/10/2000 and were drawing Pension from consolidated fund of India. Pension liability of 5.2 lacs DOT Retirees / deemed DOT Retirees was transferred to new dispensation specified by Govt. of India under sub rule (22) to (24) of Rule 37-A of CCS Pension Rules as quoted below:

“(22) Nothing contained in sub-rules (13) to (21) shall apply in the case of conversion of the Departments of Telecom Services and Telecom Operations into

Bharat Sanchar Nigam Limited, in which case the pensionary benefits including family pension shall be paid by the Government.

(23) For the purposes of payment of pensionary benefits including family pension referred to in sub-rule (22), the Government shall specify the arrangements and the manner including the rate of pensionary contributions to be made by Bharat Sanchar Nigam Limited to the Government and the manner in which financial liabilities on this account shall be met.

(24) The arrangements under sub-rule (23) shall be applicable to the existing pensioners and to the employees who are deemed to have retired from the Government.”

3. Pension revision for 1.7 Lacs DOT Retirees, who happen to draw their Pension under new dispensation under Rule 37-A of CCS Pension Rules, continues to be provided through the mechanism of Central Pay Commissions from 01.10.2000 onwards, as and when set up by Government of India. But pension revision for 3.5 Lacs deemed DOT Retirees, who also happen to draw their Pension on IDA Scale under new dispensation under Rule 37-A of CCS Pension Rules has not been covered under the terms of reference of 6th or 7th Central Pay Commissions, even though all the DOP instructions/rules and guidelines under CCS Pension Rules are applicable to them.

4. It is therefore essential that Pension

revision for 3.5 Lacs deemed DOT Retirees/BSNL Pensioners should be covered under the terms of reference of third PRC itself so that their Pension Revision issue is decided simultaneously with the working employees, as in the case with 1.7 Lacs DOT Pensioners who retired before 01/10/2000 and other Central Government Pensioners drawing Pension under CCS Pension Rules.

5. It is also pointed out that in case any DOT Employee/Central Govt. employee goes on deputation to any CPSE, the liability of concerned CPSE is limited to payment of Pension Contribution and leave salary to the Government under FR-116 for the period of deputation to that CPSE, which can extend up to 5 years. Their pension is paid by the Govt. in normal course taking into account these contributions made by the borrowing CPSE. In case of BSNL the 3.5 Lacs deemed DOT Retirees have been deputed/ transferred to BSNL w.e.f. 01/10/2000 on as is where is basis for varying periods based on their remaining service in DOT. Thus their services in BSNL are equivalent to deputation in any other CPSE. BSNL has already paid/continues to pay the Pension Contribution and leave salary to the Government under FR-116 for 3.5 lacs deemed DOT Retirees transferred to BSNL w.e.f. 01.10/2000 and that too calculated on the maximum of the respective scales.

6. It is also pointed out that DOT has not given disciplinary powers to BSNL to

impose any major penalty on the 3.5 Lacs deemed DOT Retirees under CCS Conduct Rules. Approval and consent of DOT is essential before any disciplinary action can be taken by BSNL on any of the 3.5 Lacs deemed DOT Retirees.

7. It is further pointed out that pension revision of 3.5 Lacs deemed DOT Retirees i.e. ex-DOT Employees retiring as BSNL Pensioners is in no way dependent upon the profit-loss margins of BSNL or performance of BSNL because BSNL has already made pension contribution & leave salary payment on its part and its funds are not affected. The pension etc. is to be paid by the Govt. of India. Their pension revision should be included in the terms of reference of 3rd PRC and pension should be revised in the normal course in the same manner as pension revision of central Govt. Employees is recommended by CPC.

You are therefore requested to kindly look into the matter and take up this issue and insist upon DPE by highlighting the genuine need to include the issue of Pension Revision of 3.5 Lacs ex-DOT Employees/deemed DOT Retirees (who happen to draw their Pension on IDA Scale under CCS Pension Rules for their combined service in DOT and BSNL) under the terms of reference of 3rd PRC itself, which is scheduled to be set up and announced soon.

(Addressed to Shri Rakesh Garg, Secretary DOT by GS Com Kishen Singh on 17-06-2015. Similar letter was addressed to Sh Alope Rawat Secretary, DOP & PW also)

DEAR PENSIONERS (members and non members) :
ARE YOU HAVING ANY PROBLEM OR GRIEVANCES ON SETTLEMENT OF CLAIMS FOR YOUR OUTDOOR AND INDOOR MEDICAL TREATMENTS. INFORM US THE DETAILS WITHOUT ANY HESITATION. WE SHALL TAKE UP WITH THE MANAGEMENT FOR DUE SETTLEMENT. CALL Amit Gupta 9433000088/ 23464646 or Sitanshu Sarkar 9433098414 or Dhananjay Biswas 9477275920 and inform the details

(4)

Subject: Implementation of SC Judgement on Civil Petition no 11527 of 2014 dated 18.12.2014 on recovery of pay before retirement due to wrong Fixation etc.

Dear Sir,

It is a common practice of DOT cells across the country wherein they find out some wrong fixation in the pay fixation, due to some reason or other, of the soon to retire employees just before their retirement and in some cases after the retirement, resulting in lowering the pay of the retired employees by one or two increments and consequent recovery of several lakhs of rupees from the gratuity. The employees in most of the cases are not in a position to defend the case as they are eager to settle the pension early and also due to the fact that the errors being pointed out are very old and as such necessary papers are not available with them at that point of time.

The apex court of India, in the civil petition no 11527 of 2014, has delivered a judgement on 18-12-2014 on this issue. The operative part of the court order which is summarised in the last page of the judgement is reproduced below: (copy of judgement is enclosed for ready reference.)

"12. It is not possible to postulate all situations of hardship, which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to herein above, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law :

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

Although the Judgement was passed on 18-12-2014, but the CCAs of the DoT cells are still practising the old procedure and are not following the Judgement causing hardship to the retiring employees by forcing unwarranted deductions in violation of Supreme Court guidelines elaborated in judgement dated 18/12/2014.

We therefore request you to issue necessary instructions to the CCAs of the DoT cells to strictly abide by the judgement and order of the Hon'ble Supreme Court as mentioned above.

(Adressed to Shri Rakesh Garg, Secretary DOT by GS Com Kishen Singh on 08-06-2015.)

For various informations including Rates on Medical Treatments approved by CGHS for Kolkata log on to http://cghskolkata.nic.in/html/recog_hosp_diag.htm

BHARAT SANCHAR NIGAM LIMITED

CALCUTTA TELEPHONES

..... AREA

MEDICAL REIMBURSEMENT CLAIM FOR THE INDOOR /OUTDOOR TREATMENT

1. Name of Employee :		2. Staff No:	
3. Designation:		4. Registration No:	
6. Salary (Basic+DA) as on :		5. Employee Code:	
7. Place of Duty:		8. Name of Patient:	
9. Relationship with Employee :		10. Age :	
11. Reimbursement Claim Under (Tick Relevent Box) <input type="checkbox"/> Treatment from RMP (as per para 2.1.0) <input type="checkbox"/> Treatment from P&T Dispensary			
12. Nature of Illness :			
13. Name of Doctor/ Hospital :			
14. Details of Claim : (attach prescription voucher etc in duplicate)			

SL NO	ITEM No.	Voucher	Amount
i)	Consultation		
ii)	Diagnosis /Tests		
iii)	Medicines		
iv)	Appliances		
v)	Special Treatment (e.g. Physiotherapy, Yoga etc.)		
vi)	Others		
Total			

(Rupees.....)

Declaration:

I hereby declare that the statement given in application are true to the best of my knowledge and belief and that the person for which medical expenses are incurred is wholly dependent on me

Date:

(Signature of the employee)

Unit.....

PPO No.....

Mobile Number.....

(5)

Sub.: 1) Extending the benefit of full free calls as per order in the Concessional telephones provided to Retired Employees and 2) Extension of Night Calling Facility to Service Telephones and also to concessional telephones of pensioners.

Dear Sir,

We beg to draw your kind attention to the fact that at present the pensioners are not being granted the allowable free calls as per the BSNL order no 2-7/2007-PHA dated 20-07-2007. The para 4 of the order indicates:

“The telephone will be rent free with the following concession in free calls over and above the free calls allowed to an ordinary subscriber”

Accordingly a retired executive above E3 pay scale should get 500 free calls plus 220 free call to BSNL as presently is allowed to subscribers of General category vide BSNL order no 3-4/2015-R&C (CFA) dated 10-04-2015, But in reality they are being granted 500 plus 50 free call per month. Same is the condition for non-executives also.

Further Vide order no 3-4/2015-R&C (CFA) dated 10-04-2015, free night calling facility is extended to almost all category of land line subscribers barring the service and concessional land lines of employees and pensioners. This discrimination should be avoided. BSNL should extend the facility to its employees and also to concessional telephones of pensioners as a goodwill gesture.

Sir, We request your good self to kindly examine the above two issues personally and take remedial steps at the earliest.

(Adressed to Shri Anupam Srivastava CMD BSNL, by GS Com Kishen Singh on 08-06-2015.)

PRINTED PERIODICAL

From :

All India Retireed BSNL Executive
Welfare Association, West Bengal
Room No. 74, (2nd floor),
Ranigaunge Coal House,
3A, Chowringhee Place,
Kolkata-700 013

To,

Stamp

ONLY 20% OF THE PENSIONERS IN CTD ARE SUBMITTING CLAIMS FOR THEIR OUTDOOR MEDICAL TREATMENTS REGULARLY. ARE YOU ONE OF THE REMAINING 80%. REIMBURSEMENT OF MEDICAL EXPENDITURES IS YOUR RIGHT. PLEASE SUBMIT MEDICAL CLAIMS REGULALY. NOW YOU CAN SEND THE CLAIMS BY SPEED POST ALSO. SAMPLE CLAIM FORM IS PRINTED IN THIS JOURNAL FOR YOUR CONVENIENCE. *Please contact us for any Assistance.*

Edited by Sitanshu Sarkar & Published by AIRBSNLEWA, West Bengal, Kolkata from 3A, Chowringhee Place, Kolkata 700 013 and Printed by S.C. Majumder & Co. Kolkata-700 005.