



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

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

CHQ ADDRESS: C-8/230, YAMUNA VIHAR, DELHI-110053, www.aibsnlretd.org

By speed Post

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11. **Organising Secretary (East)**
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No. AIRBSNLEWA/2015-16/

dated at New Delhi 17/06/2015

To

Shri Rakesh Garg,
Secretary (Telecom.) and
Chairman Telecom. Commission
Sanchar Bhavan
New Delhi 110001

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

Sir,

Department of Telecommunications was corporatized on 1/10/2000. DOT/DTS had 1.7 Lacs DOT Pensioners/ family Pensioners who had retired from Deptt. 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.

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(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 1/10/2000 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 is the case with 1.7 Lacs DOT Pensioners who retired before 1/10/2000 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. 1/10/2000 and that too calculated on the maximum of the respective scales..



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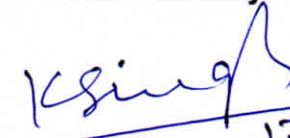
6. It is also pointed out that DOT has not given disciplinary powers to BSNL to impose any major penalty on the 3.5 Lacs deemed DOT Retirees under CCS Conduct Rules. Approval and consent of DOT is essential before any disciplinary action can be taken by BSNL on any of the 3.5 Lacs deemed DOT Retirees.

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.

Thanking you.

Yours faithfully.


(Kishan Singh) 17/6/2015
General Secretary