

Sri Manoj Kumar  
Nodal Officer RTI  
Department of Pension & Pensioner Welfare  
Lok Nayak Bhavan  
Khan Market  
New Delhi 110003

Dated 07-09-2016

**Sub: Request for Information under Right to information Act 2005**

Dear Sir,

I Sri Amit Kumar Gupta son of Late Jyotilal Gupta resident of 1/4 Rajendra Banerjee Road, Behala, Kolkata 700034, Telephone number 033 23464646, Mob 9433000088 wish to seek information as under RTI ACT 2005.

**DoP & PW vide O.M. F.No.38/37/2016-P&PW(A)(ii) dated 04.08.2016.** has notified the Government decision on Revision of Pension as per recommendation of 7<sup>th</sup> CPC. As per para 2.1, 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, in accordance with para 7(a) of the above said orders the cases of Central Government employees who have been permanently absorbed in public sector undertaking / autonomous bodies will be regulated as follows:-

When the Government servants on permanent absorption in public sector undertaking / autonomous bodies continue to draw pension separately from the Government, the pension of such absorbees will be updated in terms of these orders.

In this context kindly intimate me:

1. The pensioners of which departments /PSUs will be covered under the provision 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.
2. Whether the absorbee pensioners of BSNL, 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 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.
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 1-1-2016 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 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

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 No 23F 058185. The "Pay to" may kindly be filled up
- b) I am a citizen of India and asking the information as citizen
- c) 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, Kolkata - 700034  
Mob: 9433000088, e mail : [sdebhl@yahoo.co.in](mailto:sdebhl@yahoo.co.in)

Encl : One IPO as mentioned above



RTI MATTER/ SPEED POST

No.4/ 1 /2016-P&PW (D)  
Government Of India  
Ministry Of Personnel, Public Grievances & Pensions  
Department Of Pension & Pensioners Welfare

Lok Nayak Bhavan, Khan Market,  
New Delhi, dated the 31<sup>st</sup> October, 2016

To

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

Subject: - Information sought under RTI Act (Dy. No. 488/IFC/16 dated 16-9-16-- regarding.  
Sir,

Please refer to your RTI application dated 07-09-2016 seeking information under RTI Act.

2. The response of your RTI 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.	The position regarding applicability of O.M. dated 04-08-2016 has been indicated in the O.M. itself. The CPIO has no further information to provide.
2.	Whether the absorbee pensioners of BSNL, 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.	In respect of point nos. 2 to 5 regarding absorbee pensioners of BSNL/MTNL who are getting pension under IDA pattern, Orders for revision of pension, etc. are issued by DOT. A copy of your RTI application is also being transferred to CPIO, DOT for providing the requisite information to you directly.
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 absorbess 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)	



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 27<sup>th</sup> December, 2016.

✓ 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 07.09.2016, received in this office on 05.12.2016 on transfer from Dy. Secretary(Coord.) & Nodal Officer(RTI), DoT vide letter No. 9-11/2016-RTI(7) dated 02.12.2016.

2. In this regard, it is noted that the information sought by you is in the nature of seeking clarification of the rules already available in public domain and interpretation thereof and not in respect of the information available in records. It is mentioned that CPIOs are not expected to do research on behalf of applicants under the RTI Act, but to supply information in material form as available in record as per the definition of information under section 2(f) of the RTI Act, 2005.

3. Notwithstanding above, 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 have issued instructions for revision of pension of pre-2016 pensioners/family pensioners w.e.f.01.01.2016. 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 1.1.2016 under the Central Civil Services (Pension) Rules, 1972"*. Further, as per Para 7(a) of the said OM, *"Where the Government servants on permanent absorption in public sector undertakings/autonomous bodies continue to draw pension separately from the Government, the pension of such absorbees 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.

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.

  
(Vandana Sethi)  
Director (Estt) & CPIO  
Tel: 2303 6500

Copy to:

1. Sh. Subhash Chander, CPIO/Under Secretary, DOP&PW, Ministry of Personnel, PG Pension, 3<sup>rd</sup> Floor, Lok Nayak Bhawan, Khan Market, New Delhi w.r.t. his letter No. 4/1/2016-P&PW(D) dt. 25.11.2016.
2. Sh. Ranjan Kumar, Dy. Secretary & Nodal Officer(RTI), Sanchar Bhawan, DoT Hqrs w.r.t. his letter No. 9-11/2016-RTI(7) dated 02.12.2016.

	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.	

3. The appellate authority on the subject is

Shri Harjit Singh  
Director (PP),  
Department of Pension & Pensioners Welfare,  
3rd Floor, Lok Nayak Bhawan, New Delhi

  
(Subhash Chander)

Under Secretary to the Govt. of India/ CPIO

Copy to: CPIO, Department of Telecommunications, , Sanchar Bhawan 20, Ashoka Road, New Delhi 110001



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 27<sup>th</sup> December, 2016.

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

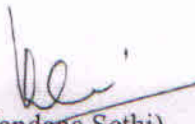
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(Vandana Sethi)  
Director (Estt) & CPIO  
Tel: 2303 6500

Copy to:

1. Sh. Subhash Chander, CPIO/Under Secretary, DOP&PW, Ministry of Personnel, PG Pension, 3<sup>rd</sup> Floor, Lok Nayak Bhawan, Khan Market, New Delhi w.r.t. his letter No. 4/1/2016-P&PW(D) dt. 25.11.2016.
2. Sh. Ranjan Kumar, Dy. Secretary & Nodal Officer(RTI), Sanchar Bhawan, DoT Hqrs w.r.t. his letter No. 9-11/2016-RTI(7) dated 02.12.2016.

To  
Mrs Manjula Prasher  
Information Commissioner  
Room No 307, II Floor August Kranti Bhavan  
Bhikaji Cama Place  
New Delhi 110066

Dated 14-03-2017

Sub: Appeal against intentional avoiding to supply information under RTI act  
By Dept of Pension and Pensioners Welfare

Dear Madam,

Department of Pension and Pensioners' welfare has issued a circular on 4-08-2016 on implementation of Govts Decision on 7<sup>th</sup> CPC vide F no 38/37/2016-P&PW(A)(ii). (Annexure 1)

I asked some information under RTI act regarding applicability of Para 2.1 & para 7 of the said order to Sh Manoj Kumar, Nodal Officer RTI, DOP&PW. (Annexure 2)

Sh Manoj Kumar in his reply has avoided to supply the information asked for vide query no 1 and replied "The CPIO has no further information to provide". Regarding the remaining queries he twisted the reply and forwarded to DOT for further action. He replied the queries as if I have asked the information as to "Who will pay the pension for BSNL & MTNL". But I never asked that information. (Annexure 3)

Being aggrieved, I submitted a review petition to Sh Harjit Singh, Director (PP) DoP&PW. He also in his reply dated 16-12-2016 (Recd by me on 22-12-2016) supported the earlier reply of CPIO and advised to approach you if I am not satisfied. (Annexure 4 & 5)

Madam, I never asked any information on who will pay the pension for BSNL/MTNL or who will revise the pension of BSNL/MTNL. I asked the information regarding the applicability of par 2.1 and para 7 of the DoP&PW order dated 04-08-2016. Instead of supplying this simple information the CPIO of DOP&PW has unnecessary twisted my query and forwarded my application to DOT for further action. Thus they have failed to supply the information asked under RTI on a order issued by themselves.

I therefore request you to take suitable measure so that I can get the proper information of the queries asked by me.

With Regards.

Yours Faithfully

(Amit Kumar Gupta)  
1/4 Rajendra Banerjee Road  
Behala, Kolkata 700034  
9433000088, sdebhl@yahoo.co.in





# Central Information Commission

Baba Gang Nath Marg

Munirka, New Delhi - 110067

011-26182594

<http://dsscic.nic.in/online-link-paper-compliance/add>

File No. **CIC/DP&PW/A/2017/121215**

DATE : **23-05-2018**

## NOTICE OF HEARING FOR APPEAL/COMPLAINT

### Appellant(s)/Complainant(s):

**AMIT KUMAR GUPTA**  
1/4, RAJENDRA BANERJEE ROAD, BEHALA,  
KOLKATA - 700034  
West Bengal, Kolkata

### Respondent(s):

**CPIO :**  
1. CPIO / Under Secretary  
GOVT OF INDIA MINISTRY OF  
PERSONNEL PUBLIC GRIEVANCES &  
PENSIONS DEPARTMENT OF PENSION  
& PENSIONS WELFARE LOK NAYAK  
BHAWAN, KHAN MARKET, NEW DELHI  
- 110003

Date of RTI	Date of reply, if any, of CPIO	Date of 1st Appeal made, if any	Date of order, if any, of First AA
07-09-2016	31-10-2016	29-11-2016	16-12-2016

1. Take notice that the above appeal/complaint in respect of RTI application dated 07-09-2016 filed by the appellant/complainant has been listed for hearing before **Hon'ble Information Commissioner Mr. Amitava Bhattacharya** at Venue **Venue Address** on **19-06-2018 at 12:00 PM**.

2. The appellant/complainant may present his/her case(s) in person or through his/her duly authorized representative.

3. (a) CPIO/PIO should personally attend the hearing; if for a compelling reason(s) he/she is unable to be present, he/she has to give reasons for the same and shall authorise an officer not below the rank of CPIO/PIO, fully acquainted with the facts of the case **and bring complete file/file(s) with him**.

(b) If the CPIO attending the hearing before the Commission does not happen to be the concerned CPIO, it shall still be his/her responsibility to ensure that the CPIO(s) concerned must attend **with complete file concerning the RTI request**, the hearing along with him.



All the parties may submit their written submission, if any, to the Commission at least 7 days before the date of hearing. A copy of the same **shall** be served upon opposite party. If any party wishes to make online submission, the same may be sent to the Commission's link only viz., <http://dsscic.nic.in/online-link-paper-compliance/add>

5. CPIO is also directed to inform the third party, if any, so as to enable it to defend or present its case before the Commission. Third Party may choose to be present before the Commission either in person or through its duly authorized representative for hearing, or they may also file a written submission to the Commission before the hearing.

6. The authorised representative or the officer of the public authority and the appellant/complainant/third party is advised to carry a "proof of identity" **along with the authorization letter.**

7. Take notice that in default of your appearance on the time and date mentioned aforesaid, the case shall be heard and decided in your absence **and that there will be no adjournment and review.**

8. The parties concerned should reach the venue at least 30 minutes before the scheduled time of hearing. They are also requested to intimate their telephone/mobile numbers and email address to the undersigned.

#### **Venue for the Appellant/Complainant**

**NIC Studio :** N.I.C. Video Conferencing Studio, 7th Floor, First M.S.O. Building, C.G.O. Complex, Nizam Palace, 234/4 A.J.C. Bose Road, Kolkata-700020 (West Bengal)  
(**Contact officer :** Shri Mr. Devashish Chandra (Technical Director). **Contact No :** 033-22891111)

#### **Venue for CPIO 1**

**Venue :** Room No. 213, CIC Bhawan, Baba Gang Nath Marg, Munirka, New Delhi - 110067

By order of the Commission.

Reference number of CPIO Reply(if any) :

-

**Ajay Kumar Talapatra**  
**Dy. Registrar**

To

1. CPIO, Public Authority
2. Appellant/Complainant

Copy for information/necessary action to: NIC.

By Speed Post/Time Bound  
RTI Matter

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

3<sup>rd</sup> Floor, Lok Nayak Bhavan,  
Khan Market, New Delhi,  
dated the 07-06- 2018

To

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

Subject: - Notice of Hearing for appeal/complaint dated 23-05-2018.

Sir,

Please refer to CIC's Notice of hearing for appeal/complaint issued vide File no. CIC/DP&PW/A/2017/121215 dated 23-05-2018 (Copy enclosed) in respect of RTI application dated 07-09-2016 filed by you.

2. A copy of written submission to the CIC's Notice dated 23-05-2018 w.r.t. the second appeal filed by you in Central Information Commission is enclosed herewith.

Yours faithfully,

Encl: As above

(Subhash Chander)

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

Copy for information to:

Sh. Ajay Kumar Talapatra, Deputy Registrar, Central Information Commission,  
Baba Gang Nath Marg, Munirka, New Delhi-110 067 w.r.t. to CIC's Notice of  
hearing for appeal/complaint issued vide File no. CIC/DP&PW/A/2017/ 121215  
dated 23-05-2018 in the matter of second appeal of Shri Amit Kumar Gupta,  
1/4, Rajendra Banerjee Road, Behala, Kolkata-700034.



RTI MATTER/ BY 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 05-06- 2018

To

Sh. Ajay Kumar Talapatra,  
Deputy Registrar,  
Central Information Commission,  
Baba Gang Nath Marg, Munirka,  
New Delhi-110 067

Subject:- Written submission to the CIC's Notice dated 23-05-2018 w.r.t. the Complaint/Appeal of Shri Amit Kumar Gupta, 1/4, Rajendra Banerjee Road, Behala, Kolkata.

Sir,

This is in reference to the CIC's Notice vide File No. CIC/DP&PW/A/ 2017/121215 dated 23-05-2018 w.r.t. the Complaint/Appeal of Shri Amit Kumar Gupta, R/o 1/4, Rajendra Banerjee Road, Behala, Kolkata in respect of his RTI application dated 07-09-2016, CPIO, Department of Pension and Pensioners' Welfare reply dated 31-10-2016 and the First Appellate Authority (DoP&PW) Order dated 16-12-2016.

2. 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 7(A) of this OM provided that the Government servants who were absorbed in PSUs, etc. and were getting monthly pension from Government (under CDA Pattern) 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 were not covered by these Orders. In their cases, the concerned PSU/Administrative Ministry has to issue orders for revision of pension, if any.

Receipt & Issued Section

05 JUN 2018

05 JUN 2018

रती किया / ISSUED

Cond/-

3. The applicant/appellant in his RTI application sought information whether the absorbee pensioners of BSNL/MTNL were covered by the above orders of the Government for revision of pension of pre-2016 Central Government Civilian Pensioners. In reply to that it was informed to him that orders for revision of pension of absorbee pensioners of BSNL/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 her reply has informed the applicant/appellant that DoP&PW OM dated 04-08-2016 for revision of pension is applicable to Government servants permanently absorbed in Public Sector Undertakings/Autonomous Bodies and drawing pro-rata pension only (Copy enclosed).

4. It may be mentioned that after 6<sup>th</sup> 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. One such separate Order was issued by DoT vide OM No. 40-17/2008-Pen(T)-Vol.III dated 15-03-2011 for revision of pension of absorbee pensioners of BSNL (Copy Enclosed).

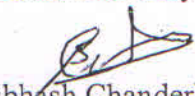
5. Therefore, any further orders for revision of pension of BSNL/MTNL absorbee pensioners are required to be issued by Department of Telecommunication only.

6. CPIO, Department of Telecommunications is also being requested to attend the hearing in CIC on **19-06-2018 at 12:00 PM.**

Yours faithfully,

Encls: As above.

o/  
c

  
(Subhash Chander)  
Under Secretary to the Govt. of India/ CPIO  
Tel.No. 24644632

Copy to: Ms. Vandana Sethi, Director (Estt.) & CPIO, Department of Telecommunications, Sanchar Bhawan, 20, Ashoka Road, New Delhi-110 001. Since the action for revision of pension, if any, is to be taken by Department of Telecommunications (DoT), CPIO, DoT is requested to attend the hearing in CIC on **19-06-2018 at 12:00 PM.** The copy of RTI application of Shri Amit Kumar Gupta dated 07-09-2016 along with Notice for hearing for appeal/complaint dated 23-05-2018 is enclosed herewith for ready reference.