**Revelation under RTI application moved by Sri Amit K.Gupta, AGS, AIRBSNLEWA regarding Pension Liability of BSNL towards pensionary benefits including family pension to DoT Pensioners / BSNL Pensioners**

Cabinet Decision dated 27th January 2005 regarding Pension Liability of BSNL, categorically specified that any expense incurred towards payment of Pension/ Family Pension for DoT pensioners/ BSNL pensioners in excess of 60% of Receipts to Govt. of India from BSNL/ MTNL, by way of License Fee/ Dividend/ CorporateTAX/ Service TAX, shall have to be borne by BSNL.

In order to discuss the absorption related issues of ITS Officers, keeping in view the Cabinet decision dated 27/1/2005 regarding Pension Liability of BSNL, Secretary (Telecom) proposed to hold a meeting with concerned nodal Departments i.e Departments of Expenditure, Dept. of Personnel, Dept. of Pension & PW etc. along with special invitation to office bearers of ITSA to the proposed meeting.

As per request of Secretary (Telecom), a meeting was called by Smt. Sushama Nath, then Secretary(Expenditure) on 16/12/2008 in her chamber in which Jt.Secy(Pers.), Director(Pers.), Secretary (DOP& PW), Joint Secy. (DOP& PW), Sri S.Behura, then Secretary(Telecom), Sri R.Ashok, Member(F) and Sri Subodh Kumar, Addl. Secretary(T) were also invited and present. Shri S.S.Sirohi and Sri Satish Sharma, President and Secretary of ITSA were also invited to the said meeting. ITSA Office bearers expressed their apprehensions in the said meeting that **“Potential absorbees had an apprehension that their pension may either be delayed or endangered if the receipts from BSNL were not sufficient nto meet their pension liability.”**

All the Officers from Deptt. of Expenditure/ Personnel/ DOP & PW/ Telecom., unanimously agreed that liability for payment of Pension for BSNL Pensioners rested with Govt. of India under relevant paras of Rule 37-A of CCS Pension Rules 1972, which was created by a process of subordinate legislation and it being statutory in nature and effect, it over rides the decision taken by the Cabinet on 27/01/2005. The committee of the officers unanimously decided that there was no need seek annulment of Cabinet Decision dated 27/1/2005 regarding Pension Liability of BSNL, and ongoing proposal by DoT for review of Cabinet Decision dated 27/1/2005 be dropped..

**However then Member(F) issued a categorical advice on 24/12/2008 in the note sheet (5) that proposed clarification may be issued by DoT in this matter, but case for annulment of Cabinet Decision dated 27/01/2005 should also be processed simultaneously because the said Cabinet Decision should not be left unattended.** But AS(T) and Legal Advisor, DoT did not see any need to seek the annulment of Cabinet Decision dated 27/01/2005 and hence OM no.40-12/2007-Pen(T) dated 5th January 2009 was issued by then Secretary(T), Sri Siddhartha Behura to facilitate absorption of ITS Officers in BSNL/ MTNL by allaying their apprehensions regarding the safety and security of Government Pension in BSNL. But this exercise could not motivate the ITS officers , and practically very few took absorption.

But DoT has made an error of omission by not following then Member(F)’s advice vide N/35 of File no.40-12/2007-Pen(T) issued on 24/12/2008, that case for annulment of Cabinet Decision dated 27/01/2005 should also be processed simultaneously because the said Cabinet Decision should not be left unattended.

The misgivings of ITSA that “**Potential absorbees had an apprehension that their pension may either be delayed or endangered if the receipts from BSNL were not sufficient to meet their pension liability.” have now apparently come true**. Our revision of Pension is delayed by more than two years vis-à-vis BSNL Employees who were granted benefit of 50% IDA Merger amounting to 78.2% IDA as on 1/1/2007 w.e.f. 10/6/2013 vide DoT OM dated 10th June 2013.

**Present Member(F) is again proposing and seeking annulment of Cabinet Decision dated 27/01/2005, while moving the case for 50% IDA Merger amounting to 78.2% IDA as on 1/1/2007 for BSNL Pensioners , and Department of Expenditure is seriously questioning and seeking justification for review of the Cabinet Decision dated 27/01/2005 regarding Pensionery Liability of BSNL.**

**This case needs a serious and concerted effort of all the Unions/ Associations/ Joint Forum of Telecom. Unions/ Associations for its early resolution.**

Rakesh Srivastava, President, AIRBSNLEWA