

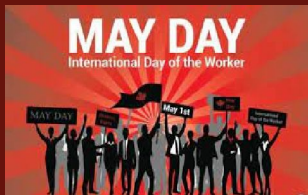
PENSIONERS' PATRIKA

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International Workers' Day





Below: Massive protest by French workers against Pension reforms



PENSIONERS PATRIKA

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Editorial

BE VIGIL AND FIRM

The Government has set up a committee with Finance Secretary as Chairman "to check whether any changes are warranted in the National Pension Scheme and to suggest measures as are appropriate to modify the same with a view to improving upon the pensionary benefits of Govt. employees covered under the NPS, *keeping in view the fiscal implications and impact on overall budgetary space, so that fiscal prudence is maintained to protect the common citizens*". Notwithstanding the sugar coated words we do not ignore this move fraught with dangers for the pensioners' society. Because it is a government that rejected the recommendation of Parliamentary Committee to grant additional pension from the age of 65 years. It also refused to restore the railway concession to senior citizens which was withdrawn under the garb of Covid.

The contributory pension scheme was introduced with effect from 1-4-2004 by the Vajpayee Government replacing statutory pension scheme. Dr. Man Mohan Singh Govt. that came to power in May 2004 continued the new pension scheme giving it a new name; National Pension Scheme. Narendra Modi government that came to power in 2014 assiduously followed the same policy of Manmohan Singh. Except West Bengal, all states governments have implemented the NPS. Congress Party never tried to revert to the old scheme as long it was in power. Now Rajasthan, Chhattisgarh, Himachal Pradesh, Jharkhand and Punjab state governments have decided recently to revert to the Old Pension Scheme. All these states are ruled by opposition parties. We are least impressed by the new deceptive love for the pensioners as it is a political game. Central Government has now set up the bureaucratic committee to review the NPS. It is a counter political game. A committee consisting of bureaucrats will, normally, present a tailor made report to suit the policy of government. The Govt. should have consulted Staff Side in JCM before setting up the Committee if it is genuinely interested to improve the pensionary benefits of employees. Government takes unilateral decisions concerning employees, especially when the intention is bad. The new move affects 22.74 lakh central service employees and 55.44 lakh state service employees already enrolled under NPS; at least 80 lakhs families.

World over many governments are reforming pension schemes. Lakhs of workers and pensioners are on the streets in France protesting the pension reforms. Large section of youngsters supports the agitation. In India such a movement has not yet emerged. Five crore of pensioners with another 20 crore family members is a force to be reckoned with. Government should take note of it. It is time for the employees and pensioners to rise in unison to protect pension, the time tested social security system.



Dear Friends,

After Madhya Pradesh Circle Conference at Bhopal (see Page 22) Com. Gangadhara Rao, Com. Anupam Kaul and myself reached Delhi to pursue our pension revision demand and other pending issues.

Meeting with DDG (Estt) : We met Smt Roshni Sohni, DDG (Estt) on 28-03-2023 and had a detailed discussion on pension revision issue.

Meeting with Member (S) : We met Sri. U S Panda, the new Member (Services) on 29-03-2023. We requested him for early settlement of the pension revision of BSNL/MTNL pensioners as per 7th CPC which would give a permanent solution. He mentioned that Final note would be ready early next month for the decision of Hon'ble MoC to forward to concerned departments before a cabinet note is submitted. We insisted for a clause/provision for future revision to be made which Member (Services) agreed to examine.

We have also discussed the following issues :

1. Reduction of LPD in the case of Telecom Mechanics

2. Implementation of the judgement of Madras CAT on Extra increment

3. Officiating pay to be taken into account, in the cases of Sri Balasubrahmanyam etc.

We have submitted the letters on the above issues and Member (Services) assured that all these cases will be examined and suitable action will be taken.

Meeting with Director (Estt) :

Then we met Director (Estt) and informed him that all the above mentioned cases are discussed with Member (Services) and requested him to process all the cases as these are pending for a long time. He promised to look into these issues.

WE ARE SCEPTICAL

Even though all the officers assure us that our demand gets due examination, we are sceptical about the current status. We understood that the officers who have to make a proposal for consideration by the top officers and Hon MoC are totally prejudiced. There is no change in their mindset. We witnessed the same when they convinced the Hon'ble MoC about zero percent fitment by a selective power point presentation. Even now, they are projecting that even without pension revision, **BSNL/MTNL pensioners are getting nearly 40% more** than C.G. pensioners who got 7th CPC

benefit. We had to buttress this argument with certain facts.

They have ignored the fact that before absorption, Executives were assured of a minimum monthly benefit of Rs.2500/- and Non-executives with a minimum monthly benefit of Rs.1500/- over and above CDA pay. We understand that DoT may propose pension revision with 5 or 10% and try to get the approval of the top in the near future.

We are not very much particular about the quantum but we are particular about two aspects:

➤ ***The proposal should ensure periodical pension revision every ten years in future. We have an apprehension whether it can be ensured if 5 or 10% is approved.***

➤ ***There should not be any pension anomaly between pre & post-2017 retirees because pay revision is a mirage.***

We have ensured that our concern and the justification of our demand are conveyed to the Secretary Telecom and we are hopeful that our demand will be considered with an open mind and without prejudice at least now. We shall wait and watch the developments. Next two/three months are crucial. Let us try our best till the end.

With greetings

V Vara Prasad, GS



Workers' demonstration in USA in 1889

Every year on May 1, International Workers' Day, also known as Labour Day in most countries is celebrated. It honours workers' contributions and sacrifices for society. The Day, also called Workers' Day or International Workers' Day, day commemorating the historic struggles and gains made by workers and the labour movement, observed in many countries on May 1. In 1889 an international federation of socialist groups and trade unions designated May 1 as a day in support of workers, in commemoration of the Haymarket Riot in Chicago (1886). Five years later, U.S. President Grover Cleveland, uneasy with the socialist origins of Workers' Day, signed legislation to make Labor Day, already held in some states on the first Monday of September, the official U.S. holiday in honour of workers. Canada followed suit not long afterward.

In Europe May 1 was historically associated with rural pagan festivals, but the original meaning of the day was gradually replaced by the modern association with the labour movement. In the Soviet Union, leaders embraced the new holiday, believing it would encourage workers in Europe and the

THE MAY DAY & 100 YEARS OF CELEBRATIONS IN INDIA

US to unite against capitalism. The day became a significant holiday in the Soviet Union and in the Eastern-bloc countries, with high-profile parades, including one in Moscow's Red Square presided over by top government and Communist Party functionaries, celebrating the worker and showcasing Soviet military might. In Germany Labour Day became an official holiday in 1933 after the rise of Nazi Party. Ironically, Germany abolished free unions the day after establishing the holiday, virtually destroying the German labour movement.

With the breakup of the Soviet Union and the fall of communist governments in Eastern Europe in the late 20th century, large-scale May Day celebrations in that region declined in importance. In dozens of countries around the world, however, May Day has been recognized as a public holiday, and it continues to be celebrated with massive demonstrations and rallies in support of workers. Labour Day is observed in many European countries, including Sweden, France, Poland, Finland, Norway, Spain, Germany, Italy, Panama, Cuba, Mexico, Guyana, Peru, Uruguay, Brazil, Argentina and Chile.

In India

In India, it is also called May Day. It came into prominence in India in the year 1923 after the Labour Kisan Party of Hindustan organised the celebrations for the first time in the country, which were led by Comrade Singaravelar. A resolution was passed stating that on Labour Day, the government should grant everyone a national holiday and since then Labour Day has been celebrated every year. Labour Day is celebrated throughout India under a variety of titles, including 'Kamgar din' or 'Antarrashtriya Shramik Diwas' in Hindi, 'Uzhaopalar Naal' in Tamil and 'Kamgar Diwas' in Marathi. In the year 1923, the province of Madras in India celebrated its inaugural Labour Day. The 1st of May is also known as Maharashtra Day and Gujarat Day.

Com. Singaravelar

Com. Singaravelar was far more than one of the country's earliest Left thinkers. He was a multi-linguist who spoke German, French and Russian. When Singaravelar gave his presiding address at the Kanpur Conference in 1925, also referred to as



the First Indian Communist Conference, he spoke of the need to eradicate untouchability in Tamil Nadu. He was a fierce campaigner for scientific temper and knowledge. Singaravelar wrote extensively on

1928. Until the mid-1930s, he stayed with Periyar and the Self-Respect Movement, writing on critical topics like environmental conservation, translating works of people like Freud into Tamil, and writing scientific commentaries on themes such as the Theory of Relativity, the Nebular Hypothesis, and the contributions of Giordano Bruno, for Kudi Arasu. After leaving Periyar over ideological differences, he continued to publish similar articles in his own scientific journal called Pudhu Ulagu (A New World). He also translated works of Karl Marx, Charles Darwin, and Herbert Spencer into Tamil. Reportedly, his insightful critique of *Das Capital* was the reason he was invited to give the presiding address at the Kanpur Conference in the first place.

Singaravelar also wrote on and envisioned a "world without war" as a reaction to the terrible fallout of the First World War. He stood his ground when Sardar Patel did not want to include sex education in schools based on conservative sentiments. His writings on caste, education, science and more are available in Tamil publications even today.

Singaravelar courted arrest for his participation in the South Indian Railway Strike in 1928, serving a four and a half month prison sentence in 1930. He died in 1946. The then Chennai Collectorate was named Singaravelar Maaligai in his honour, as was the M. Singaravelar Memorial Group House Scheme.

In March 2006, India Post issued a postage stamp to honour Com. Singaravelar.



Singara Velar:

A pioneer in
Indian TU Movement

Com. Singaravelar (full name is Singaravelu Chettiar) was born on 18th February 1860 in a fisherman's family in Madras, now Chennai. He had his primary education in Triplicane Hindu School and then in Madras Presidency College. After graduating in Law from Madras Law College he started practicing in High Court in 1907 and became a popular lawyer very soon. And soon he left the profession to join the Non-cooperation movement led by Mahatma Gandhi.

Singaravelar became active in All India Trade Union Congress (AITUC) ever since it was formed in 1920. In 1922 he attended the conference of Indian National Congress and moved a resolution demanding '*poorna swaraj*' though it was defeated then. But his plea to organize workers under the banner of Congress party was accepted and he was included in a committee constituted for the purpose.

Com. Singaravelar was very much influenced by the Bolshevik revolution

in Russia which prompted him to observe May Day for the first time in India in 1923. He hoisted a red flag on his own house, organized a meeting at Marina Beach, Madras on the day where he declared formation of Workers-Kisan Party. Same year he started the Tamil journal, *Thozhilalar*, and also edited an English journal, *Labour and Kisan Gazette*. He was one of the accused, along with S A Dange, S V Ghatge etc., in the 'Kanpur Conspiracy Case' of March 1924 alleging that they tried to overthrow the sovereign power of British Empire in India. But in December 1925, Singaravelar presided over the conference of Communists in Kanpur itself where Communist Party of India was formed. Presiding over the said conference Singaravelar called upon all to join Congress Party to achieve '*swaraj*'. In 1927, he went to Kharagpur in Bengal to organize support for the railway strike of BN Railway workers.

Singaravelar played a prominent role along with B P Wadia and V Kalyanasundaram in formation of the Buckingham and Carnatic Mill Workers Union in April 1918 which led to a six months long historic strike in the mills. He was actively involved in the strike action of railway workers in 1927 and 1928 and also in the 26 days long strike of Oil workers Union. As President of Madras Tramways and Electric Supply Workers Association he led a historic strike in 1938.

Com. Singaravelar breathed last on 11th February 1946.

INCOMETAX : TWO REGIMES

There were lot of propaganda about the new proposals on personal incometax made by Finance Minister. Now, there are two “Regimes”. Some people had illusions about it. A Tax payer can opt out of the new regime introduced. If option is not made in writing the new Regime shall be applicable to him/her. Hence those who pay incometax are requested to study the following clarification carefully and act upon. It is better they consult local Tax Consultant.

**Central Board of Direct Taxes
Circular No. 4 Dated 5.4.2023
F. No.370142/06/2023-TPL**

Vide Finance Act, 2023, sub-section (1A) has been inserted in section 115BAC of the Income-tax Act, 1961 (the Act) to provide for a new tax regime with effect from the assessment year beginning on or after the 1st day of April, 2024. This regime applies to an individual or Hindu undivided family or association of persons [other than a cooperative society] or body of individuals, whether incorporated or not, or an artificial juridical person. Under this new regime, the income-tax in respect of the total income of the person shall be computed at the rates provided in sub-section (1A) of section 115BAC, subject to certain conditions, including the condition that the person does not avail of specified exemptions and deductions.

2. The above mentioned new tax regime is the default tax regime applicable to all persons mentioned above. However, under sub-section (6) of section 115BAC of the Act, a person may exercise an option to opt out of this tax regime. A person not having income from business or profession can exercise this option every year.

3. Representations have been received expressing concerns regarding tax to be deducted at source (TDS) on salary income of a person under section 192 of the Act as the deductor, being an employer, would not know if the person, being an employee, would opt out from taxation under sub-section (1A) of section 115BAC of the Act or not.

4. In order to avoid the genuine hardship in such cases, the Board, in exercise of powers conferred under section 119 of the Act, hereby directs that a deductor, being an employer, shall seek information from each of its employees having income under section 192 of the Act regarding their intended tax regime and each such employee shall intimate the same to the deductor, being his employer, regarding his intended tax regime for each year and upon intimation, the deductor shall compute his total income, and deduct tax at source thereon according to the option exercised.

5. If intimation is not made by the employee, it shall be presumed that the employee continues to be in the default tax regime and has not exercised the option to opt out of the new tax regime. Accordingly, in such a case, the employer shall deduct tax at source, on income under section 192 of the Act, in accordance with the rates provided under sub-section (1A) of section 115BAC of the Act.

6. It is also clarified that the intimation would not amount to exercising option in terms of sub-section (6) of section 115BAC of the Act and the person shall be required to do so separately in accordance with the provisions of the sub-section.

7. This circular is in supersession of Circular No. C1 of 2020 dated 13.04.2020 and shall be applicable for TDS during the financial year 2023-24 and subsequent years.

CHQ Letter dated 29/03/2023 ON PENSION REVISION

We have written several letters individually and collectively on the above subject in the past. We have also discussed directly with concerned authorities on many occasions.

2. As a result, DoT in consultation with nodal department has decided to delink pension revision from pay revision. We express our sincere thanks for the same. After delinking what is the need for a pay-scale for pension revision except to seek more pension contribution from BSNL/MTNL for post-2017 retirees.

3. But unfortunately, further progress is unreasonably slow. Pensioners are very much restive and urgent resolution is the need of the hour.

4. Absorbed employees are getting the same retiral benefits of C.G. employees under the same rules. 100% liability of paying pension/family pension lies with Gol. This is unique among the CPSEs.

5. As such it is only prudent, logic and rationale to grant 32% of fitment factor as recommended by 7th CPC, accepted and implemented by the Government to about 68 lakhs C.G. pensioners. It works out a benefit of 14.55% benefit in total pension.

6. DoT itself wrote to DoP&PW in 2018 and we quote *"Therefore, the case of retired employees of BSNL/MTNL is same as that of Government pensioners. It was also stated that at the time of the absorption, there was no intention of depriving the Government employees of pension on their absorption in BSNL/MTNL"* (Source – Para 5 of DoP&PW ID note No.4/19/2022-P&PW(D) Desk(D) – Ref: Receipt No.2393066/2022 received from DoT).

7. But contrary to their own submission, DoT is processing the pension revision on some percentage recommended by 3rd PRC. Time and again we have told that the 3rd PRC recommendations are only for revising the pay & perks of the executives and there was no terms of reference for pension revision and hence there was no recommendation for pension revision.

8. DoP&PW has categorically informed that DoT, being the administrative ministry, can decide the percentage in its own wisdom. The nodal department has also said that pension fixation on notional pay will not be a problem and they are willing to consider as and when it is proposed.

9. The total absorbed IDA pensioners in BSNL (both retired and to be retired) may be 3,60,000 (according to DoT Cabinet Note dated 25/9/2000 para 4.1 total DoT employees were 3.63 lakhs out of which 3.6 lakhs opted for BSNL). The total combined service optees of MTNL is 43,000 (both retired and to be retired) according to PIB release dated 26/12/2013. Out of this 4.03 lakhs, pre-2017 retirees may be 1.85 lakhs approximately and the remaining are post-2017 retirees. Out of this total number, atleast 10% would have become family pensioners.

10. DoT cabinet note should take care of both the pre & post 2017 retirees because there was no pay revision from 1/1/2017 and there is no likelihood of pay revision in the near future because as per CMD, BSNL statement, the company may earn profit only in 2026-2027. According to the existing policy of the Government, to become eligible for pay revision the company should earn profit continuously for three years and even then, the revision can only be prospective and not retrospective. Post-2017 retirees also should get the same benefit to avoid any anomaly in pension.

11. DoT Cabinet Note should also take care of the future pension revision of the absorbed BSNL/MTNL pensioners with the same percentage as and when the pension is revised to C.G. pensioners by the Government.

12. We urge upon DoT to take a final decision on the above lines and process the cabinet note and seek the approval of the cabinet, ofcourse with due process. We need a permanent, sustainable, logical solution.

ORDERS

SHARING OF FAMILY PENSION

DOP&PW OM

F. No. 1/1(1))/2022-P&PW (E)dt.26-20-2022

The undersigned is directed to say that Department of Pension has notified the Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972. Rule 50 of the Central Civil Service (Pension) Rules, 2021 deals with payment of family pension on death of a Government servant/pensioner.

2. In accordance with Rule 50(8) of the Central Civil Service (Pension) Rules, 2021, on death of a Government servant/pensioner, family pension is payable to the widow or widower upto the date of death or re-marriage, whichever is earlier. In cases where the deceased Government servant or pensioner is survived by more widows than one, the family pension shall be paid to the widows in equal shares and on the death or ineligibility of a widow, her share of the family pension shall become payable to her child or children who fulfill the eligibility conditions for grant of family pension. In case, the widow is not survived by any child, her share of the family pension shall not lapse but shall be payable to the other widows in equal shares, or if there is only one such other widow, in full, to her.

3. In cases where the deceased Government servant or pensioner is survived by a widow without any child and has also left behind eligible child or children:

- (a) from another wife who is not alive, or
- (b) from a divorced wife, or
- (c) from a void or voidable marriage

the child or children who fulfill the eligibility conditions for grant of family pension shall be entitled to the share of family pension which the mother would have received if she had been alive at the time of the death of the Government servant/pensioner or if she had not been so divorced or if the marriage had not been void or voidable. On the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows and/or to other child or children otherwise eligible), in equal shares, or if there is only one widow or child, in full, to such widow or child.

4. In the above cases, if the deceased Government servant/pensioner is survived by the widow with child or children eligible for family pension, on the share of family pension payable to the widow ceasing to be payable, such share shall be payable to her child or children in accordance with Rule 50.

5. In cases where family pension is payable to twin children, it shall be paid to such children in equal shares and when one such child ceases to be eligible, his or her share shall revert to the other child and when both of them cease to be eligible the family pension shall be payable to the next eligible single child or twin children.

6. In accordance with Rule 63, on retirement of a Government servant, the name of the spouse of the Government servant, if alive, is indicated as family pensioner in the Pension Payment Order. In cases where family of a Government servant includes more than one wife who is alive, the Accounts Officer shall indicate, in the Pension Payment Order, the names of all the wives with their respective share in the family pension. If family of a Government servant

includes a wife, who is alive, and a child or children from a wife who is not alive or from a divorced wife or from a void or voidable marriage, the Accounts Officer shall indicate, in the Pension Payment Order, only the name of wife who is alive with her share in the family pension, then on death of the pensioner, the share of family pension indicated in the Pension Payment Order shall initially become payable to the surviving widow and on receipt of a communication from the Head of Office, the Accounts Officer shall issue a revised Pension Payment Authority, indicating the names of all the members of family who are eligible for family pension on the date of death of the pensioner with their respective share in the family pension, in accordance with rule 50.

7. All Ministries/Departments are requested that the above provisions regarding sharing of family pension under Central Civil Services (Pension) Rules, 2021 may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices thereunder, for strict implementation.

**TIME EXTENDED TO SUBMIT LIFE
CERTIFICATE**

DoT CGCA No. 13-50/2020-21/BA&IT/4388-4420 dated 14-3-2023

Ref: O/o GCA letter no. 13-50/2020-21/BA&IT/2516-2546 dated 30.11.2022.

It is to convey that Migration of pensioners from CPPCs to SAMPANN is currently underway and being taken up in a phased manner. As on date more than 1.5 Lakh Telecom Pensioners drawing pension from CPPCs (Banks) have been migrated and their pension is being paid via SAMPANN. For uninterrupted pension payment of migrated pensioners, such pensioners need

to submit their LC/DLC to concerned CCA Offices. In this regard, certain guidelines have been issued from time to time. In modification of the letter no.13-50/2020-21/BA&IT/2516-2546 dated 30.11.2022 (Enclosure) issued regarding extension of timelines for submission of LCDLC by pensioners, all migrated pensioners hereby given a relaxation of 9 months from the month migration within which they would need to submit their LC/DLC. For example. for a pensioner migrated in July 2022, pension would be paid uninterrupted till March, 2023. The pensioner would need to submit his/her LC/DLC by 30th April, 2023 for continuation of pension. Similarly, for a pensioner migrated in November, 2022, pension would be paid uninterrupted till July, 2023 The pensioner would need to submit his/her LC/DLC by 31 August, 2023 for continuation of pension. Also, to streamline the process of submission of LC/DLC by migrated pensioners the guidelines (Enclosure-II) are hereby reiterated which may be followed by all Pr. CCA/CCA/CCA offices.

All Pr.CA/CCA/Jt.CCA may give wide publicity amongst the pensioners and Pensioners' Associations via means of SMS (mSeva)/Call/Letters/Camps about the measures being taken by the Department to facilitate the submission of LC/DLC. This issues with approval of the Competent Authority.

CGHS ADVISORY COMMITTEES

**MoH&FW OM No. S.11030/19/2023-EES
Dt 17-3-2023**

Local Advisory Committees were set up for all CGHS dispensaries with specific composition and specific mandate in 2005 with some modifications notified in 2010. It has been seen

that the functioning of these Advisory Committees has been less than satisfactory. Hence, this mechanism needs to be refined to ensure optimal functionality to facilitate seamless delivery of health care services and prompt redressal of grievances within the CGHS System. In this context the following guidelines are being issued.

2. Constitution of Local Advisory Committee (LAC) at the Health and Wellness Centre (HWC), CGHS level:

- The LAC for all Health and Wellness Centres (HWCs) across the country to have the following composition:

- 1.C.M.O In-Charge
- 2.Area Welfare Officer(s)
- 3.Representative from Resident Welfare Associations.
- 4.Representative of Pensioners
- 5.Representative of Local Chemist.

- This Committee shall be duly notified by the Additional Director, CGHS of the Zone. The meetings of the Committee shall be held at least once in a month and the **mandate of the Committee** shall be the following:

- i. Disposal of the pending claims of individuals and HCOs,
- ii. Assessment/Evaluation of performance of Local Chemists, including Jan Aushadhi Kendra and other systems of medicines;
- iii. Provision of amenities to beneficiaries (infrastructure) at the HWC,
- iv. Staff punctuality and behaviour towards beneficiaries,
- v. Cleanliness and maintenance of the HWC,
- vi. Grievance Redressal of any grievance received in the grievance box of the dispensary or otherwise (on line)

- The term of the Members of LAC at Health and Wellness (HWC) level shall be as follows:

- i. The term of the Members of the Committee except CMO in-charge will be for **two years only** and will come into effect on 1st **January every alternate year.**

- ii. No Member shall be nominated for the 2nd term.

- iii. Except Area Welfare Officer, who is nominated by DOPT, two Members each from Resident Welfare Association and Pensioners' Welfare Association shall be nominated by respective Association and CMO I/C shall approach these Associations for this purpose.

- Based on the mandate above, LAC shall be responsible for taking up such and adhere to such norms as prescribed here under:

- i. The Committee will meet every 2nd Saturday of the month,
- ii. Study the grievances/suggestions received in the complaint box and record in the register in the presence of all the LAC members,
- iii. Should a need arise, call the complainant on phone or in the next meeting to sort out the grievances,
- iv. To suggest ways and means to improve the functioning of the dispensaries within the available resources,
- v. To liaise with different agencies involved in the supportive services for the maintenances of the CGHS dispensaries,
- vi. To inform the CMO I/C about any serious patient (CGHS beneficiary) and help to organise for his/her treatment,
- vii. To monitor the functioning of Authorised Local Chemist/ Jan Aushadhi Pariyojana,
- viii. To study the stock availability in the Wellness Centre store,
- ix. To study the status/pendency of the claims,
- x. To monitor the performance of staff and will identify the best worker on quarterly basis. His / Her photograph will be displayed prominently in the Wellness Centre and will also be awarded certificate

of appreciation by the Committee,

xi. In the meetings, only local issues of the concerned dispensary shall be discussed, and the Committee shall not interfere in any policy matter, and shall not correspond directly with the authorities but through proper channel that is, Zonal Additional Director / City Additional Director / Joint Director for the same,

xii. The names, addresses and telephone numbers of the Committee members to be prominently displayed in the Health and Wellness Centre,

xiii. Area Welfare Officer, who is also a member of the committee, will also inform the beneficiaries about the functioning of the Advisory Committee in the Area Welfare Meetings. He will also guide the beneficiaries that any complaint regarding functioning of the Wellness Centre is to be made to the Committee instead of approaching the higher authorities directly,

xiii. Establishment of a dedicated helpline (TOLL FREE No. 1800-208- 8900) and a call log shall be maintained,

xiv. Record of Discussions to be maintained and pasted on the NOTICE BOARD of Wellness Centre for perusal of beneficiaries.

3. Similarly, there shall be a **Zonal Advisory Committee (ZAC)** at the level of Additional Director of the concerned Zone. The composition of the committee at the zonal level shall comprise of:

- i) Additional Director (Zone), CGHS
- ii) Chief Medical Officer dealing with Reimbursement / Hospital Bills,
- iii) Nodal Officer for Grievances,
- iv) Administrative Officer/Office Superintendent- Member Secretary,
- v) Two representative of CGHS beneficiaries,
- vi) Representative of CGHS empanelled Hospitals/Distributor of Jan Aushadhi Pariyojana may be co-opted as needed' and
- vii) Area Welfare Officer to be included on rotation basis (quarterly).

- The Zonal Advisory Committee shall be notified by the Joint Secretary (MoHFW), looking after affairs of CGHS. The ZAC meeting shall be held once in a month, preferably on the fourth Saturday.

4. The mandate of Zonal Advisory Committee shall be:

- i) To examine the issues /grievances escalated post- LAC Meetings;
- ii) To examine and take action based on the recommendations of the local advisory committee;
- iii) To monitor the issue of CGHS cards;
- iv) To Monitor the settlement of individual medical claims and Hospital bills;
- v) To monitor issues related to shifting of Wellness Centre / Major repairs of Wellness Centres in progress/ proposed;
- vi) To study the grievances/suggestions received in the complaint box of Zonal office / AD office and record in the register;
- vii) Monitoring of timely issue of Pension pay order / Family Pension and timely settlement of Gratuity and other matters related to retirement benefits;
- viii) To examine the complaints against the empanelled private hospitals and send out the grievances;
- ix) To look into the complaints against CMOs In- charge;
- x) To ensure complete adherence to the budgetary allocation and monitor expenditure on a monthly basis;
- xi) To invite HCOs and Labs for addressing their issues and ensure that the contents of the MoU is honoured by them in letter and spirit; and
- xii) To hold CGHS panchayat at Zonal level; once in 2 months where all the executive orders, office memoranda shall be shared with the beneficiaries.

5. CGHS beneficiaries are urged to make optimal usage of the LAC and ZAC for redressal of their issues and grievances. This issues with the approval of the Competent Authority.

Answer in Rajyasabha

**CRITERIA FOR OPENING CGHS
WELNESS CENTRES**

Sh. Deepender Singh Hooda: MP

Will the Minister of Health And Family Welfare be pleased to state:

- (a) the parameters/ criteria fixed under the CGHS for opening new dispensaries in the country~
- (b) the details of the State-wise/UT-wise places where such dispensaries are being operated under CGHS in the country~ and
- (c) the details of new dispensaries opened/ proposed in Haryana during the last five years, District-wise?

ANSWER on 14-3-2023

The minister of state in the ministry of health and family welfare

(a) to (c) Government considers opening of new Wellness Centre as per extant norms, which include minimum 6000 Central Government Serving employees in the city, subject to availability of resources, sanction for creation of posts of Medical Officers, Staff Nurse, Pharmacists, and Clerical Staff etc. by the Department of Expenditure, Ministry of Finance, and availability of suitable accommodation for new Wellness Centre. The details of State-wise/ UT- wise CGHS Wellness Centres are at Annexure. There are six (6) Wellness Centres in Haryana, and during last five years, one CGHS Wellness Centre each at Sonipat and Ambala (taken over from Postal Department)

and one Wellness Centre in Faridabad were opened.

List of CGHS Wellness Centres

- | | |
|----------------------|-----------------------|
| 1.Agartala(1) | 2.Agra(1), |
| 3.Ahmedabad (8), | 4.Aizawl(1) |
| 5.Ajmer(1), | 6.Aligarh(1), |
| 7.Ambala(1), | 8.Amritsar(1), |
| 9.Baghpat(1), | 10.Bareilly(1), |
| 11.Bengaluru(10), | 12.Berhampur(1), |
| 13.Bhopal(2), | 14.Bhubaneswar(3), |
| 15.Chandigarh(1) | 16.Chappra(1), |
| 17.Chennai(14), | 18.Cuttack(1) |
| 19.Darbhanga(1), | 20.Dehradun(3) |
| 21.Delhi(8) | 22.Dhanbad(1), |
| 23.Dibrugarh (1), | 24.Faridabad(2), |
| 25.Gandhinagar(1), | 26.Gangtok(1) |
| 27.Gaya(1), | 28.Ghaziabad(1), |
| 29.Gorakhpur(1), | 30.Greater Noida(1), |
| 31.Guntur(1), | 32.Gurgaon(2), |
| 33.Guwahati (5), | 34.Gwalior(1), |
| 35.handrapur(1) | 36.Hyderabad(13) |
| 37.Imphal(1) | 38.Indirapuram(1), |
| 39.Indore(1) | 40.Jabalpur(6), |
| 41.Jaipur(7), | 42.Jalandhar(1) |
| 43.Jalpaiguri(1), | 44.Jammu (2), |
| 45.Jodhpur(1), | 46.Kannur(1), |
| 47.Kanpur(9), | 48.Kochi(1) |
| 49.Kohima(1) | 50.Kolkata(19), |
| 51.Kota(1) | 52.Kozhikode(1), |
| 53.Lucknow(9), | 54.Meerut(6), |
| 55.Moradabad(1), | 56.Mumbai(26), |
| 57.Muzzafarpur(1), | 58.Mysuru(1) |
| 59.Nagpur(12), | 60.Nashik(1), C |
| 61.Nellore (1), | 62.Noida(2), |
| 63.Panaji (1) | 64.Patna(5) |
| 65.Prayagraj(7), | 66.Puducherry(1) |
| 67.Pune(9), | 68.Raipur(2) |
| 69.Rajahmundry (1), | 70.Ranchi(3) |
| 71.Saharanpur(1), | 72.Sahibabad(1), |
| 73.Shillong(2) | 74.Shimla (1) |
| 75.Silchar(1) | 76.Siliguri(1) |
| 77.Sonipat(1) | 78.Srinagar(1) |
| 79.Trivandrum (3), | 80.Tiruchirapalli(1), |
| 81.Tirunalveli(1) | 82.Vadodara(1) |
| 83.Varanasi(2) | 84.Vijayawada (1), |
| 85.Visakhapatnam (2) | |

FAMILY PENSION



[Mr. Kumar retired from BSNL in 2006 and expired in December 2022. His wife expired in 2014. His son is 40 years old. His first daughter is married but legally divorced and was staying with Mr. Kumar. Other daughter is married and staying with her husband at another place. After the funeral of Mr. Kumar and other rites were over, when told that his first daughter

(legally divorced now) is eligible to get family pension she searched his pension papers but could not find the same. He had kept them carelessly. It is very common with many pensioners. Some others keep all documents in 'safe place'. But they do not disclose the safe place to anyone in the family including spouse (life partner, wife or husband). Our leaders at different levels helped such families, hundreds in number. In most of the cases the family members are ignorant of rules. Some are illiterate too. We should take it as a social obligation to help such people in distress. In every District Unit we must have a team for the work. Pension Department has issued recently many orders and released a Handbook on Family Pension. Below, we are giving some guidelines to our functionaries so that they can help the hapless people.]

Family

As soon as a person enters in Government service, he/she is required to furnish details of his /her family in Form 3 to the Head of Office. If the Government servant has no family, he shall furnish the details in Form 3 as soon as he acquires a family. No Government servant having a spouse living, shall enter into, or contract, a marriage with any person, provided that the Central Government may permit a Government servant to enter into, or contract, any such marriage. For the purpose of grant of family pension, the family shall be categorized as below :-

Spouse

Children

Parents

Disabled Sibling

However their eligibility to receive family pension will be governed by orders issued from time to time.

Eligibility of spouse

Family Pension is payable to widow or widower up to the date of death or re-marriage, whichever is earlier.

Family pension will continue to be payable to a childless widow on re-marriage, if her income from all other sources is less than the amount of minimum family pension and the dearness relief admissible.

Eligibility of children

Family pension to the children shall be payable in the order of their birth and the younger of them will not be eligible for family pension unless the elder next above him/her has become ineligible for the grant of FP. Where the family pension is payable to twins, it shall be paid to such children in equal share.

In the case of an unmarried son family pension will be payable until he attains the age of twenty-five years or until he gets married or until he starts earning his livelihood, whichever is the earliest.

In case both wife and husband are governed by the provisions of family pension 1964, the surviving child or children shall be granted the two family pensions in respect of the deceased parents.

Family pension admissible to a beneficiary in respect of one deceased employee or pensioner is not to be counted as income for the purpose of determination of eligibility for another family pension which is admissible in connection with another deceased employee or pensioner.

A child adopted by the spouse of the pensioner shall not be treated as a member of the family of the deceased pensioner.

Eligibility of disabled child

If the son or daughter of a Government servant is suffering from any disorder or disability of mind (including mentally retarded) or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of twenty five years, the family pension shall be payable to such son or daughter for life.

The family pension is payable to the disabled children for life after the youngest child attains the 25 years of age years. Thereafter family pension shall be resumed in favour of the child suffering from disability.

The name of disabled child /permanently disabled, sibling will be added to the PPO issued to the retiring Government

servant if there is no other eligible prior claimant for family pension.

Non-intimation of physical/mental handicap does not make a child ineligible for family pension. A disability certificate issued after the death of the employee / pensioner or his/her spouse for a disability which existed before their death may be accepted by the Appointing Authority.

The family pension shall be paid to such son or daughter through the Guardian if he or she is a minor.

The Government has decided to allow continuance of family pension to mentally /physically disabled children even after their marriage.

Guardianship Certificate issued by the Local Level Committee constituted under the provisions of the National Trust Act, 1999, for the purpose of grant of family pension in respect of child suffering from the disabilities of mind (including mentally retarded), will be accepted.

It shall be the duty of the Guardian or son or daughter to furnish a certificate to the Treasury / Bank, as the case may be, every year to the effect that (1) he / she has not started earning, his / her livelihood; and (2) not yet married. However in case of disability, child or the guardian is required to produce the certificate in every five years to the effect that he/she continues to suffer from the disability or disorder of mind or continues to be physically crippled or disabled.

FP is payable to the unmarried / widowed / divorced daughters until she gets married or remarried or until she starts earning her livelihood, whichever is earlier.

The family pension is payable to the unmarried/widowed/ divorced daughters above the age of 25, after all unmarried children have attained the 25 years of age or started earning their livelihood whichever is earlier. If the deceased government servant/pensioner has survived by any disabled child, the widowed/ divorced/ unmarried daughter will be eligible to receive family pension only after the turn of disabled child.

Divorced daughter is eligible for family pension where the divorce proceedings had been filed in a competent Court during the lifetime of the employee / pensioner or his/her spouse but divorce took place after their death, provided the claimant fulfils all other conditions for grant of family pension under Rule 54 of the CCS (Pension) Rules, 1972. In such cases, the family pension will commence from the date of divorce.

In the case of widows and children from both wedlocks

As per CCS conduct Rules 21 no Government servant having a spouse living, shall enter into, or contract, a marriage with any person, provided that the Central Government may permit a Government servant to enter into, or contract, any such marriage.

As per section 11 of Hindu Marriage Act any marriage shall be null and void if the party has a spouse living at the time of the marriage.

The divorce proceeding as per custom of the community or before the Panchayat is not valid. The divorce decree is acceptable only if it is ordered by competent court.

However by virtue of Section 16 of the Hindu Marriage Act notwithstanding that marriage is null and void, any child of

such marriage shall be legitimate.

If deceased employee is survived by one widow and children from first wife, however second marriage was solemnized after first wife was not alive, family pension will be shared equally by widow being legally wedded wife along with child from first wedlock i.e. 50% each.

If deceased employee is survived by one widow and children from first wife, however second marriage was solemnized after getting divorce decree from first wife, Family pension will be shared equally by Second widow being legally wedded wife along with child from first wife i.e. 50% each.

If deceased employee is survived by more than one widow and children from both wedlock, family pension will be shared equally by first wife being legally wedded wife along with child from second wedlock i.e. 50% each. However second widow will not have any claim for family pension as second marriage is null and void and she is not holding the status of legally wedded wife.

The eligibility of each child sharing pension along with legally wedded wife will be considered as per Rule 54(8) (iii). Their claim will be considered in the order of their birth, and the younger of them will not be eligible for family pension unless the elder next above him become ineligible for the grant of family pension.

On the death of a legally wedded wife who is not survived by any eligible child, share of the family pension would not lapse but would be payable to children from second wedlock in full i.e. 100%.

If children from second wedlock become ineligible to receive pension, such share

of the family pension would not get lapsed but would be payable to legally wedded wife or her children as the case may be in full i.e. 100%.

Case of judicially separated spouse

After the child or children cease to be eligible for family pension under this rule, such family pension shall become payable to the surviving judicially separated spouse of the deceased Government servant till his or her death or remarriage, whichever is earlier.

Eligibility of parents

Family pension to the parents shall be payable if the parents were wholly dependent on the Government servant and the deceased Government servant is not survived by a widow or an eligible child.

The family pension, wherever admissible to parents, will be payable to the mother of the deceased Government servant failing which to the father of the deceased Government servant. The family pension to the parents will be payable for life.

The names of dependent parents may be added to the PPO issued to the retiring Government servant if there is no other eligible prior claimant for family pension other than the spouse.

Eligibility of disabled sibling

Disabled siblings may be eligible for family pension if they are wholly dependent upon the government servant immediately before his/her death and deceased government servant is not survived by widow or eligible children or parents.

Rate of family pension

The amount of family pension shall be fixed at monthly rates and be expressed in whole rupees. Where the family

pension contains a fraction of rupees, it shall be rounded off to next higher rupees.

In case government employee died while in service, family pension will be paid at enhanced rates i.e. 50% of pay last drawn for a period of 10 years. Thereafter family pension will be paid at the rate of 30% of the last pay.

If family pension is authorised to parents, it will be paid at the rate of 30% of the last pay.

If an employee died in harness, his family shall be paid family pension at enhanced rate of 50% of last pay, for first 10 years. There shall be no requirement of minimum service, as the requirement of seven years service has been dispensed with. This amended Rule has been effective from 1st October, 2019. Families of employees who died before completing service of 7 years within 10 years before 1st October, 2019 will also be eligible for family pension at enhanced rate.

On death of pensioner/ family pensioner enhanced rate of family pension i.e. 50% will be paid for a period of 7 years from the day following the date of death or up to the date on which pensioner would have attained the age of 67 years, whichever is earlier. After that family pension will be paid at the rate of 30% of the last pay.

Non admissibility of FP

If a person is convicted for the murder or abetting in the murder of the Government servant, such a person shall be debarred from receiving the family pension. The family pension shall be payable to next eligible member of the family, from the date of death of the Government servants.

In case of missing employee/ Pensioner /family pensioner

In the case of a missing employee / pensioner / family pensioner, the family can apply for the grant of family pension & gratuity to the Head of Office of the organization where the employee / pensioner had last served, six months after lodging of Police report. Section 154 (1) of the Criminal Procedure Code mandates filing of an FIR by the Police authorities on a report received of the commission of a cognizable offence. A missing person per se does not point to commission of a cognizable offence, therefore filing of FIR should not be insisted upon.

Cognizance of a person's disappearance can be taken by the Head of Office on the basis of an authenticated Daily Diary (DD) / General Diary Entry (GDE), filed by the Police authorities concerned, as per the practice prevalent in that State /UT. Section 108 of the Indian Evidence Act provides that when the question will arise whether a man is alive or dead and if it is proved that he has not been heard for

7 years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to the person who affirms it.

FP in respect of deceased pensioner

If spouse name is indicated in the PPO, pension disbursing authority will start the family pension after receiving death information of pensioner in writing.

Family pension become payable to widow/ widower from the day following the date of death of pensioner.

After migration to SAMPANN

After BSNL pensioners are migrated to SAMPANN applications for Family Pension should be submitted to the CCA concerned, along with Death Certificate, Form 12 (if pensioner and family pensioner hold separate Bank Account), Form 3 attached to Form 12 and Declaration in Format 9. These Forms can be downloaded from the Pensioners Portal of DoP&PW .

JOINT ACCOUNT IN POST OFFICES

It is advisable to have a joint pension account so that the spouse will get the family pension without any difficulty on death of a pensioner. While Banks are allowing the joint account, post offices at some places refuse to convert the single pension account into a joint account adding the spouse name. We have studied the issue and the following clarification is given on the basis of rules/orders:- ■ Post office saving account scheme 2019 was introduced on 12/12/2019.

■ According to this rule under section 3(b) two adults jointly can operate the SB account

■ Section 3(2) of the rule states *"on the death of one of the account holder, surviving account holder shall be treated as the sole owner of the account provided another single account is not held by him/her. If it exists, it has to be closed"*.

Earlier it was insisted that the pension account should be separate from other SB account.

Now that is removed. As per the clarification issued by Department of Post vide file No.FS-10/17/2020-FS-Part(I) dated 20/10/2022, SB pension account opened before 18/12/2019 can continue.

In view of the above, it is clear that the pensioner having a single pension SB account in post office can close that account and open ordinary joint SB account with the spouse name and it should be ensured that the spouse is not having any separate SB account in post office.

COVERAGE OF OLD PENSION SCHEME

DoP&PW OM No. 57/05/2021-P&PW(B)

The undersigned is directed to say that consequent on introduction of National Pension System (NPS) vide Ministry of Finance (Department of Economic Affairs) Notification No. 5/7/2003-ECB & PR dated 22.12.2003, all Government servants appointed on or after 01.01.2004 to the posts in the Central Government service (except armed forces) are mandatorily covered under the said scheme. The Central Civil Services (Pension) Rules, 1972 and other connected rules were also amended vide Notification dated 30.12.2003 and, after the said amendment, those rules are not applicable to the Government servants appointed to Government service after 31.12.2003.

Subsequently, Department of Pension and Pensioners' Welfare in consultation with the Department of Personnel & Training, Department of Expenditure and Department of Legal Affairs in the light of the various representations/references and decisions of Hon'ble Courts, issued instructions vide OM No. 57/04/2019-P&PW(B) dated 17.02.2020 giving one time option to Central Government employees who were declared successful for recruitment in the results declared on or before 31.12.2003 against vacancies which occurred before 01.01.2004 and were covered under the National Pension System on joining service on or after 01.01.2004, to be covered under the CCS(Pension) Rules, 1972 (now 2021). There was fixed time schedule for different activities under the aforesaid OM dated 17.02.2020.

Representations have been received in this Department from the Government servants appointed on or after 01.01.2004 requesting for extending the benefit of the pension scheme under Central Civil Services (Pension) Rules, 1972 (now 2021) on the ground that their appointment was made against the posts/vacancies advertised/ notified for recruitment prior to notification for National Pension System, referring to court judgments of various Hon'ble High Courts and Hon'ble Central Administrative Tribunals allowing such benefits to applicants.

The matter has been examined in consultation with the Department of Financial Services, Department of Personnel & Training, Department of Expenditure and Department of Legal Affairs in the light of the various representations/references and decisions of the Courts in this regard. It has now been decided that, in all cases where the Central Government civil employee has been appointed against a post or vacancy which was advertised/ notified for recruitment/appointment, prior to the date of notification for National Pension System i.e. 22.12.2013 and is covered under the National Pension System on joining service on or after 01.01.2004, may be given a one-time option to be covered under the CCS(Pension) Rules, 1972 (now 2021). This option may be exercised by the concerned Government servants latest by 31.08.2023.

Those Government servants who are eligible to exercise option in accordance with para-4 above, but who do not exercise this option by the stipulated date, shall continue to be covered by the National Pension System.

The options once exercised shall be final.

The matter regarding coverage under the CCS (Pension) Rules, 1972 (now 2021), based on the option exercised by the Government servant, shall be placed before the Appointing Authority of the posts for which such option is being exercised for consideration, in accordance with these instructions. In case the Government servant fulfills the conditions for coverage under the CCS (Pension) Rules, 1972 (now 2021), in accordance with these instructions, necessary order in this regard shall be issued latest by 31st October, 2023. The NPS account of such Government servants shall, consequently, be closed w.e.f. 31st December, 2023.

The Government servants who exercise option to switch over to the pension scheme under CCS (Pension) Rules, 1972 (now 2021), shall be required to subscribe to the General Provident Fund (GPF). Regarding account of the corpus in the NPS account of the Government servant, Controller General of Accounts (CGA) has furnished the following clarification vide letter No. 1(7)(2)/2010/cla./TA III/390 dated 14.11.2019 & I.D. Note No. TA-3-6/3/2020-7A-III/cs-4308/450 dated 23.12.2022:.

News item dated 24-3-2023:

NEW PENSION SCHEME: NEW APPROACH?

“The government on 24-3-2023 announced that a committee under the Finance Secretary would be constituted to improve the New Pension Scheme (NPS) with a view

to take care of the concerns of employees while maintaining fiscal prudence. While moving the Finance Bill, 2023, for consideration and passage in the Lok Sabha, Finance Minister Nirmala Sitharaman said a new approach to the NPS would be designed for adoption by both Central and state governments.

“I propose to set up a committee under the Finance Secretary to look into the issue of pension and evolve an approach which addresses the needs of employees while maintaining fiscal prudence to protect common citizens,” she said.

The decision comes against the backdrop of several non-BJP states deciding to revert to the Old Pension Scheme (OPS) and also employee organisations in some other states raising demand for the same. The state governments of Rajasthan, Chhattisgarh, Jharkhand, Punjab and Himachal Pradesh have informed the Centre about their decision to revert to the OPS and have requested a refund of corpus accumulated under the NPS. Earlier this month, the Central government informed Parliament that it was not considering any proposal to restore the OPS in respect of the Central government employees recruited after January 1, 2004.

Under the OPS, retired government employees received 50 per cent of their last drawn salary as monthly pension. The amount keeps increasing with an increase in the DA rates. The OPS is not fiscally sustainable as it is not contributory in nature and the burden on exchequer keeps on mounting.

CHQ WRITES

DENIAL OF DUE PENSION

Letter dt. 29-3-2023 to Secretary, DOT

We are constrained to approach you, sir, on the following issue for your kind intervention because few hundred officials who retired after 2014 from the cadre of Telecom Mechanic are getting less pension than their entitlement and the loss is perpetual.

2. Some RM/Gr.D officials who were selected and trained for telecom mechanic but kept in the waiting list for want of vacancies in telecom mechanic cadre. This issue was discussed in JCM (DC). As a result, DoT issued order vide No. No.1 42/MPP-98(PL) dated 3112/1998 to place all the 'wait-listed officials' in LM scale (intermediate scale) temporarily. They were promoted to Telecom Mechanic cadre as and when vacancies arose. Those officials retired after 2014 onwards. At the time of fixation of pension, O/o PCCA, TN and CCA, AP reduced their LPD (Last Pay Drawn) arbitrarily by reducing one increment.

We give one example for your perusal.

3. One Shri G.Rajendran (Madurai SSA) was appointed as RM on 26/8/1992. He was selected to the cadre of Phone Mechanic and underwent training from 1/9/1997 to 24/10/1997. Due to want of vacancies in PM cadre, he was placed in Lineman scale of Rs.3060-4590 (CDA) from 31/12/1998. He was appointed as Phone Mechanic on 3/6/1999 in the scale of 3200-4900. He retired on 31/1/2020 and his LPD fixed by BSNL was Rs.22390/-. But it was arbitrarily reduced by PCCA, TN to Rs. 21820 (loss of Rs.570). He filed a grievance With DoT on 18/6/2020 under ticket No. 2020061814314. He got a reply 9/7/2020 stating that **pensionary benefits are settled by taking the LPD Rs 21820 is correct, since upgraded to LM scale 3050-75-4590 and pay drawn in the above temporary placement**

scale was not considered by DoT cell, Chennai and pay has been regulated for substantive post and the LPD arrived at the stage of Rs. 21820. This is nothing but violation of statutory rule and the pensioner is facing a perpetual loss not only in pension but also family pension. This is not a solitary case but hundreds of cases are like that.

3. But the question is whether the pay fixation done by a competent authority more than 20 years ago can be verified by the AO at the time of retirement. Our contention is that as per statutory rules it can't be done.

4. The pension sanctioning/authorising authority can verify the emoluments only 24 months prior to date of retirement and not before that as per Rule 59(b) (v) of CCS (Pension) Rules, 1972; para 7.3.2. of Chapter 7 of Civil Accounts Manual (CAM) issued by Controller General of Accounts, New Delhi Department of Expenditure (MoF) on 1/12/2012 and 63 (c) of CCS (Pension) Rules, 2021.

5. These statutory rules clearly state **"while applying the requisite check, the AO shall verify the correctness of emoluments only for the period of 24 months preceding the date of retirement of a government servant and not for any period prior to that date"**.

6. Further, we also would like to bring to your kind notice about the above referred (1) order was issued by DDG (Accts) of DoT after obtaining a clarification from DoP&PW.

May we request you, sir, to review all those cases in which LPD was reduced by one increment which resulted in reduction of pension and family pension contrary to statutory rule.

DENIAL OF 78.2% MERGER BENEFIT

Letter dt. 29-3-2023 to Member (S),

Brief history

1) In accordance with the decision taken in the National Council of BSNL, corporate office

issued orders on 18/11/2003 for granting one extra increment in Grade III one year before the date of retirement for those who did not get the promotion of Grade IV. The order also stated that this extra increment will be reckoned for pensionary benefits.

2) DoT in July 2009 issued orders to take into account this extra increment for pensionary benefits as a special case.

3) DoT, with the approval of the Cabinet, issued orders on 18/7/2016 granting the benefit of merging 78.2% IDA with pension notionally from 1/1/2007 to 9/6/2013 and actual from 10/6/2013 onwards.

4) This was implemented by all the CCAs including PCCA, TN. When the implementation process was going on, suddenly, on the basis of a clarification issued by BSNL corporate office, DoT issued an order in March 2017 that the officials who moved to restructured cadre are not eligible for this extra increment. The fact remains that all those who got the extra increment are from restructured cadre only.

5) After receipt of this order, PCCA, TN sent a letter to all SSA heads to revise the sanction reducing one extra increment. Benefit of 9.4% DA merger is not given to these pensioners for the last 10 years and some of them expired without getting this. Because of this, 679 pensioners (TN circle-469, Chennai Telephones-192, STR-15 & STP-3) did not get the benefit. Some of them on their own volition got the benefit without one extra increment. More than 16,000 pensioners including more than 6000 pensioners in Gr. C & D got the benefit with extra increment (under PCCA, TN).

6) Our Association filed a case before Hon. CAT, Madras Bench in December 2017 and Hon CAT gave an interim order on 30/1/2018 granting stay for DoT order dated 7/3/2017 and PCCA, TN order Nil/6/2017 & 8/12/2017.

7) Hon CAT, Madras Bench delivered the judgement on 17/2/2022 and we quote the relevant portion of that judgement para 6 clearly stated that ***“It is clear that the re-fixation had to be undertaken only because of the***

mistake committed by the respondents”. In para 7 it is stated ***“we hereby quash the impugned orders issued by the respondents dated 7/10.3.2017 (Annexure A22), June, 2017 (Annexure A24) and 8.12.217 (Annexure A29).***

8) Since there is no stay to the above judgement, the position stands status-quo ante prior to 7/3/2017

9) Against this judgement, DoT filed an appeal before the Hon Madras High Court and we have filed a caveat and the case is yet to be admitted.

In this background we submit the following points for your kind consideration and for necessary favourable decision in the interest of aged pensioners.

a) CCA, Kerala also denied the extra increment benefit to pensioners and our Association challenged before Hon CAT, Ernakulam Bench and got favourable orders. DoT filed an appeal before Kerala High Court and the appeal was dismissed. Ultimately DoT issued orders.

b) Hon CAT, Chandigarh Bench also gave a similar favourable judgement and it was implemented.

c) Natural justice demands (i) any order can be only prospective and not retrospective that too after 15 years (ii) opportunity should be given before taking any decision.

In view of the above facts, may we request you, sir, to consider any of the two following options:-

(i) Withdrawing the appeal or

(ii) Granting them the benefit of 78.2% merger with extra increment by taking an undertaking from those pensioners that they are willing to abide by the verdict. There is precedence for this.

We once again request you, sir, to take a positive decision in this regard.

News:

INTEGRATION OF PENSION PORTALS.

Union Minister of State (Independent Charge) Personnel, Public Grievances and Pensions Dr Jitendra Singh informed that the Department of Pension & Pensioners' Welfare has decided that all the pension portals like Pension Disbursing Bank portals, ANUBHAV, CPENGRAMS, CGHS etc. will be integrated in a single portal in the form of the newly created "Integrated Pensioners' Portal" (<https://ipension.nic.in>) to ensure "Ease of Living for the elder citizens". Addressing the Bankers Awareness Workshop in Bhopal, Madhya Pradesh, Dr Jitendra Singh said, in tune with Vision of Prime Minister for an "Integrated Approach to bring Ease of Living", the move will mitigate the problems faced by the pensioners with the banks like Change of bank, Submission of life certificate, Submission of death certificate of pensioners, Pension slip and retrieval of pension slip, Income tax deduction data/form 16, Pension receipt information, the websites of Pension Disbursing Banks will also be integrated with the Integrated Pensioners Portal.

The Minister also pointed out that the task of Integration of Pension Seva Portal of SBI and Canara Bank with Bhavishya portal have been completed. He also informed that all 18 Pension disbursing banks will be integrated in Integrated Pensioners' Portal.

Dr Jitendra Singh said, DoPPW will take care of not only serving/retiring employees but also work for the Ease of Living of our pensioners and Digital Life Certificate is another step towards this direction. He pointed out that in November 2014, an Aadhar based scheme for online submission of digital life certificate, "Jeevan Pramaan" was launched by the Prime Minister Narendra Modi to ensure transparency and "Ease of Living" for pensioners while submitting their life certificate. Dr Jitendra Singh said, initially submission of DLCs using biometric devices was commenced and later, the

Department engaged with MeitY to develop the milestone Face-Authentication Technology-based system based on UIDAI Aadhaar software through which it became possible to give DLC from any Android based smart phone. This breakthrough technology has reduced the dependence of pensioners on external bio-metric devices and has made the process more accessible and affordable to masses by leveraging biometric systems available on smartphones, he added. The Minister informed that the Pension Department has undertaken a Nation-wide Digital Life Certificate through Face Authentication campaign in the November, 22 which has resulted into 30 lakhs pensioners submitting their life certificate digitally.

Secretary, Department of Pension & Pensioners' Welfare, Shri V.Srinivas said in his address that DoPPW has commenced a series of awareness programs for Bankers with a view to provide information about the latest pension rules/procedures reforms and welfare initiatives to Bank's field functionaries, handling pensions. He said, in line with the Government's objective of transparency, digitization and service delivery, the Bhavishya platform has ensured End-to-End digitization of the Pension processing and payment. From the retiree filing his/her papers online till issue of the PPO in electronic format going into the Digilocker, this platform has showcased the intention of complete transparency and efficiency of the Government. The 'Bhavishya' platform, an integrated online pension processing system was made mandatory for all central government departments w.e.f. 01.01.2017. This system is at present being successfully implemented in the main Secretariat of 97 Ministries/ Departments including 818 Attached Offices, 7,941 DDOs on board. As on date, more than 1,89,494 cases have been processed i.e. PPOs issued which includes more than 1,23,249 e-PPOs.

Considering that a very large number of retirees are from CAPFs who serve in far flung areas of the country, such software is a boon both in terms of Ease of processing as well as speed and accuracy in pension processing. It may be recalled that the Department of Pension & Pensioners' Welfare has bagged the 3rd Rank for BHAVISHYA (An online tracking system for pension sanction and payment developed by DOPPW) as per the NeSDA Assessment 2021 among all the Central Government e-Governance Service Delivery Portals. The ranking is based on Accessibility, Content Availability, Ease of Use, Information Security & Privacy, End Service Delivery, Integrated Service Delivery, Status & Request Tracking. It's very creditable to be able to achieve rank 3 on the basis of these parameters.

This Awareness programs also provide a platform for strategizing and conceiving new initiatives for the benefit of Pensioners. This facilitated introduction of the path for integration of Bhavishya Portal with the pension paying portals of the Banks. So far State Bank of India and Canara Bank has integrated their portals with Bhavishya – IPP and process is on with Punjab National Bank. The workshops held were an excellent two-way learning process and will go very far in reducing Pensioners' Bank related grievances since the Pension dealing Bank officials were made aware of all the measures/OMs taken/issued by DoPPW for Ease of Living of Pensioners. Such Awareness Programs also convey a strong message of the seriousness of this Department to focus on hitherto neglected expectations of the Pensioners from Banks.

Rs. 34402.32 Crores saved! from Employees & Pensioners

In a reply to Shri C Lalrosanga MP in Lok Sabha, the Minister of State for Finance informed on 13-3-2023 that the Government had saved a sum of Rs. 34402.32 Crores by freezing DA to employees and pensioners during the Covid pandemic period. Minister has categorically told in the reply that Government has no intention to release the frozen DA.

IT IS DONE, THOUGH DELAYED.

The Executives who retired prior to July 2017 and those who retired after May 2018 got the benefit of increment one for lateral promotion and another for vertical promotion in the same scale of pay under FR22©. There was objection by audit and through court intervention got the benefit by giving an undertaking that it is subject to final verdict from the court. But the same benefit was denied to those retired in the in-between period of 10 months. This issue was discussed with Director (Estt.). He told that there should be uniformity and either all should get or all should not get. We told him that DoT cannot go against the judgement and the officials who retired during this 10 months period also should get it by giving a similar undertaking. He said that it is getting examined. On 26/07/2022 again we discussed this issue with Director (Estt) during our visit. He said that will be looked into. DoT has issued the order on 20th February 2023 vide No.40-12/2004-Pen (ST) (Pt) conceding our request. DoT took one year to issue this order. Anyway we thank DoT for removing the discrimination.

MP CIRCLE CONFERENCE

Dear Comrades,

Last Circle Conference of Madhya Pradesh Circle was held at Bhopal on 25th and 26th June 2022. CHQ received two lists of office-bearers claiming that they got elected in the said conference. Prior to that, some dispute arose in Jabalpur District branch also. District Secretary moved a resolution to suspend the District President on the charges of financial irregularities in the District Accounts which was passed by the circle conference. District President has ceased the bank account. Both the groups have started functioning parallelly.

CHQ sent a Fact Finding Team consisting of Com. R H Mitkary, the then Vice President and Com. J S Dahiya, Asst. General Secretary to enquire into the allegations. After verifying the records made available to it, the Team reported about financial irregularities committed by the then Circle Secretary and about admission of delegates to Circle Conference and on election of office bearers. Based on the report of the Fact Finding Team, the Circle Conference of June 2022 was declared null and void. Some of the comrades from Jabalpur brought this matter to the venue of last AIC at Visakhapatnam also. The AIC decided that CHQ will conduct the election of MP Circle with the participation of same circle office-bearers/District Secretaries and delegates who attended the last dissolved conference under its direct supervision and also to hold general body meeting of Jabalpur to resolve the dispute there.

Accordingly, a general body meeting of Jabalpur was held on 25-3-2023. Com. P Gangadhara Rao (Vice President) has conducted the proceedings in the presence of Com. Varaprasad (GS) and Com. Anupam

Kaul (Dy GS). Two sections led by Com. K S Jat (Former District President) and Com. Saket Shukla (DS) raised allegations and counter allegations. However election was conducted by secret ballot. The panel led by Com. Saket Shukla got 115 votes out of 201 polled and the other panel led by Com. Jat got 61 votes. 25 votes were found invalid. After the elections Com. Jat and some of his friends walked out.

CIRCLE CONFERENCE:

Then the Circle Conference was held at Bhopal on 27-3-2023, as notified. All those district branches who attended the previous Circle Conference of 26-06-2022 and newly elected delegates from Jabalpur in their District Conference on 25-03-2023 have participated in the present Circle conference. Conference was presided over by Com. Gangadhara Rao in the presence of General Secretary and Dy. GS. A heated debate took place on the organizational activities in the Circle. Finally, at the time of election of office bearers, some delegates from Districts like Gwalior, Indore, Morena, Guna and Shivpuri boycotted it alleging that entire proceedings are illegal and unconstitutional. The election process was continued and the following office-bearers were elected unanimously:

Circle President : Shri. R K Tiwari
Circle Secretary : Shri. V S Thakur
Circle Treasurer : Shri. J P Karve

Com Saket Shukla has been elected unanimously as Org Secretary, CHQ, the post which was kept vacant for MP Circle in the AIC.

V Vara Prasad
General Secretary



JABALPUR DIST. CONFERENCE; 25-3-2023



MP CIRCLE CONFERENCE ON 27-3-2023

Above: Com. P. Gangadhara Rao, Vice President speaks
 Com. Vara Prasad (GS) & Com. Anupam Kaul (Dy GS) are in pic.
 Below: A view of the Delegates



PENSIONERS PATRIKA

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FEW PHOTOS OF FUNCTIONS ORGANISED BY
TAMILNADU COMRADES OBSERVING WOMENS' DAY

