

PENSIONERS PATRIKA

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OF AIBSNLPWA (CHQ)

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Editorial

PASSIONATE APPEAL TO THE MINISTER

Leaders of various BSNL/MTNL Pensioners' organizations met the Hon. Minister for communications, Shri Aswini Vaishnav on 25th March 2022 and requested his effective intervention in the case of pension revision. Minister was quite positive in his response. More than 650 days have gone since then. Much water has flown under the Yamuna Bridge.

Leaders met the Minister again and again. They came back every time with high hopes. They met Dr. Neeraj Mittal, the new Secretary, Telecom on 15-11-2023 and discussed the matter in detail. The Secretary was also very positive..

On 20th September 2023, the Hon. Principal Bench of Central Administrative Tribunal, Delhi pronounced a historic, clear verdict allowing the petitions of BSNL/MTNL pensioners for pension revision with same fitment formula, recommended by the Central Pay Commission, applied in the pension revision of 60 lakh central service pensioners. The time limit prescribed by the Tribunal is also over now.

DOT is sitting tight on the file. Only when the bureaucracy refused to accept the just demand the pensioners approached Court of Law. After hearing the prolonged legal arguments by the lawyers of both sides, the learned judges pronounced the judgement. If the same bureaucracy refuses to honour the Court order, then, it is nothing but Travesty of Justice.

We do hope that Shri Aswini Vaishnavji, an experienced administrator and effective efficient minister with imagination shall not allow this mockery in his ministry.

We appeal to the Minister to ensure that the Court order is implemented without any dilution and without further delay and do justice to the 4 lakh BSNL/MTNL retirees who contributed their might in building up the telecom infrastructure in our country during their hey days.



GS Writes

NAMASTE

Our CHQ is receiving every day frantic enquiries from our members about the latest position of Pension Revision. Some comrades contacted on 20th November 2023 itself, on completion of two months from date of pronouncement of the CAT verdict. Court has given ten weeks, not two months, to the DoT to implement the judgement. We know that in such cases the Bureaucrats never act on time. In our case in particular, the officers in DoT are trying to delay a decision using every method they have.

some friends who are not happy with the victory of pensioners in the legal fight are also trying to confuse the officers by raising the bogey of pension anomaly. These friends want the department file an appeal in High Court. Totally isolated from other organizations and from the BSNL pensioners, they are desperate.

But we have hope. We met Shri Aswini Vaishnavji, the Hon. Minister several times during 2022-2023. First time

it was on 25-3-2022. He was quite clear in mind that both pay revision and Pension Revision cannot go together in BSNL/MTNL as both have to be decided by two different authorities. When we met the Minister on 28-7-2022 again he reiterated his view. Third time we met him on 13-12-2022 and for the fourth time on 27-5-2023 too. Every time Shri Vaishnavji appeared to be positive. In between the Secretary was changed. Top officers in Sanchar Bhavan have been putting up file to the Secretary and the Minister with all negative notes.

After our Visakhapatnam Conference we organised certain agitational programmes all over the country. Thousands of pensioners came out to the streets to demonstrate their anger and anguish.

On 20th September 2023 the Hon. CAT Principal Bench pronounced its historic judgement. The order is clear. Pension should be revised for BSNL/MTNL retirees without waiting for any pay revision. And, the fitment formula shall be the same that was granted to central government pensioners when 7th CPC report was implemented. There can not be any other formula. Pension of pre-2017 retirees and post-2017 retirees

should be revised. There cannot be any doubt on it.

But, unfortunately, DOT has not sent any concrete proposal to the nodal ministries till this day honouring the Court Verdict. Four lakhs pensioners are worried about this intriguing delay. Hence we met the Hon'ble minister Shri Vaishnavji on 9th December 2023 when he visited Visakhapatnam in connection with some Railway project. We pleaded for necessary action to honour the CAT Verdict and not to prefer any Appeal in High Court. Though Sh. Vaishnavji did not give any commitment in clear terms, he has given enough indication that Government does not want to approach the High Court with an Appeal.

Sh. Aswini Vaishnavji is a very effective and efficient minister. He has done wonders in railways. We have no doubt that he will honour his words given to us, the hurdles created by some people notwithstanding.

We are waiting for the happy news in the new year.

I wish you all a very Happy New Year

V Vara Prasad
18-12-2023

PENSION REVISION

Meeting with Secretary Telecom

General Secretary Com V Vara Prasad, Vice President Com P Gangadhara Rao and Dy GS Com Anupam Kaul met Secretary Telecom Shri Niraj Mittal, Sri Manish Sinha Member Finance, Shri Ajay Kumar Sahu Member Services on 26-10-2023. We requested the officers to implement the judgement of PB CAT New Delhi without preferring an appeal in High Court.

On 27-10-2023 , we met Shri Ravindra Kumar Director(Pension) DOP&PW and ascertained that his office has received certified copy of judgement from Establishment section of DOT for their comments. We requested him to actively involve in implementation of the same as DOP&PW is also a respondent in the petition.

CHQ delegation consisting of Com D Goplakrishnan, Com. P Gangadhara Rao, Com V Vara Prasad, Com Anupam Kaul, Com J S Dahiya met Telecom Secretary on 15-11-2023. There is no guideline/benchmark for Pension Revision to BSNL/MTNL absorbed pensioners who are getting the pension from Govt. of India. Hence we requested him to take a positive decision to implement Hob.PB CAT judgement taking it as a guideline/benchmark. We again requested him not to go for appeal since many pensioners are 70 plus. Telecom Secretary told that he would brief Hon MOC and seek his approval ; consult the nodal department i.e pension department and take a decision.

OUR DELEGATION MEETS THE MINISTER



Shri G V L Narasimha Rao MP, a senior leader of BJP in Andhra Pradesh and member of Rajya Sabha who is known to our Organizing Secretary Com. R S N Murthy and Com. V R K Sarma arranged a meeting for our Delegation with Hon. Minister for Communication Shri Aswini Vaishnavji on 8th December 2023 at Visakhapatnam when the Minister visited the City for a Railway function. The Hon. MP had written two letters earlier to both the Minister and the

Secretary supporting our demand for Pension Revision. (See Page 14.)

Our Delegation consisting of Com. Varaprasad (GS) Com. R S N Murthy (OS), Com. M R Patnaik (VP) and Com. V R K Sarma met the Hon. Minister on 8-12-2023 at 10 AM in the "City of Destiny" and submitted a brief representation requesting to implement the CAT judgement dated 20-9-2023, which without any ambiguity, has directed DoT to revise our pension at par with central government pensioners. We requested the MoC not to prefer an Appeal in High Court against the above judgement of CAT. The MoC assured us that he would do the needful. It gave us a positive indication. We are thankful to the Hon. MP Shri G V L Narasimha Rao for facilitating the meeting.

IMPLEMENT COURT JUDGEMENT

Joint Letter from CBMPA Organizations dated 31/10/2023

**All India BSNL Pensioners Welfare Association
All India Retired BSNL Executives Welfare Association
Sanchar Nigam Pensioners Welfare Association
Retired Telecom Officers Welfare Association, Delhi
Retired Telecom Officers Welfare Association, Mumbai
Mahanagar Pensioners Welfare Association**

To Dr Neeraj Mittal,
Secretary, Telecom, Sanchar Bhawan,
New Delhi-110001

services governing them were to remain the same as they existed when they are employees of the Department of Telecommunications”.

Respected Sir,
Sub: Request implementation of judgement dated 20/09/2023 of Hon PB, CAT, Delhi on OA 1271/2020, 1272/2020 & 1329/2020

Direction is given in para 28 which states “The competent authority amongst the respondents is directed to forthwith revise the pension and family pension wherever applicable, strictly in accordance with the relevant rules and the entitlement governing pension to various sets of employees of the Central Government, maintaining strict parity. It is clarified that the benefits of revision of pension and family pension as notified by the Central Government on the recommendations of the Pay Commission, shall stand extended in favour of the applicants, analogous to the revision of such pension in case of Central Government pensioners”

The above SIX associations are the applicants of the above-mentioned OAs before Hon PB, CAT, Delhi. Copy of the judgement is already available with DoT.

2. At the outset, we request you, sir, to implement the above judgement in letter and spirit in the interest of four lakh BSNL/MTNL pensioners/family pensioners, most of them are above the age of 70.

3. We are the erstwhile employees of DoT, presently government pensioners, genuine stake-holders and we request you, sir, to arrange for serious discussion at the level of DDG for implementing the above judgement.

We understand the direction as follows:

a) The competent authority is Department of Telecommunications

4. Para 1 of the judgement states “ all the OA(s) have been taken up together for disposal and these are being decided by a common order”.

b) Strictly in accordance with the relevant rules and the entitlement governing pension means “ pension and family pension on IDA as per Rule 37 of CCS (Pension) Rules 2021”

5. Para 26 of the judgement states “We reiterate that even on their absorption in the corporate undertaking, the terms and conditions of

c) It is clarified that the benefits of revision of pension and family pension as notified by the Central Government on the recommendations of the Pay Commission, shall stand extended

in favour of the applicants, analogous to the revision of such pension in the case of Central Government pensioners means "pension plus DR as on 01/01/2017 plus 32% of basic pension which works out to 2.515 multiplication factor in favour of the applicants which include one pensioner viz. V Latha (4th applicant in OA 1329/2020) who retired on 31/01/2020. It is analogous to the revision of Central Government pensioners"

There are no guidelines for pension revision for BSNL/MTNL pensioners who opted for Government pension on combined service. In this connection may we draw your kind attention to para 2.3 of Cabinet Note of 29/12/2010 proposed by DoT which was approved by the Cabinet. We quote that para 2.3 "The Department of Pension & Pensioners Welfare (DoP&PW) had earlier advised the Department of Public Enterprises (DPE) to issue instructions to all administrative Ministries for revision of pension (under IDA pattern) of retired en-masse transferees who had opted for combined pension as per formulae under the Central Government rules based on IDA pattern of pay, on the lines of procedure adopted for pay scales of PSU officials. No instructions have, however, been issued by DPE to the administrative ministries for revision of pension, presumably on the ground that IDA pension revision issue is beyond DPE's scope". It is apparently clear that DoP&PW is for pension revision as per Central Government formulae on IDA pay. So, the contention of DoT (para iii of their letter No.47-63/2022-Pen(T)/part dated 17/11/2022) that the recommendations of 7th CPC are applicable to Central Government employees who are getting pay/pension on CDA pattern is thoroughly misplaced. In the absence of any guidelines, the judgement pronounced on 20/09/2023 by Hon PB, CAT, Delhi on the above OAs may please be taken as a guideline for pension revision.

As per DoP&PW (ID note) No.4/19/2022-P&PW(D) para 5 " The DoT then stated 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".

DoT on 17/10/2022 proposed for pension revision with zero percent fitment benefit which was rejected by the entire pensioner community. On that day, DoT also exhibited Power Point Presentation (PPP) about the methodology for revising pension for pre-2017 & post-2017 retirees. It revealed that DoT was inclined for pension revision. It may also be noted that Hon'ble MOC & IT and the then Member (S) have also assured that pension revision is delinked from pay revision of BSNL/MTNL employees. Now our request is that instead of zero percent, it should be 32% of basic pension as given to more than 60 lakh Central Government pensioners.

On behalf of nearly 4 lakh BSNL/MTNL pensioners, we earnestly appeal to you, sir, to implement the above-quoted judgement. We are also willing for some serious, purposeful discussion at the level of DDG.

Thanking you

Yours faithfully,

V Vara Prasad GS, AIBSNLPWA
Prahlad Rai GS, AIRBSNLEWA
G L Jogi GS, SNPWA
A K Kaushik GS, RTOWA, Delhi
J S Yadav GS, RTOWA, Mumbai
Kishor Haldankar GS, MPWA

IMPLEMENT COURT JUDGEMENT

**AIBSNLPWA Letter dated 15-11-2023 to Dr Neeraj Mittal,
Secretary, Telecom, Sanchar Bhawan, New Delhi.**

We are the largest pensioners' organisation in Telecom and we make a fervent appeal to you, sir, to take a decision on the above subject.

Justification

C.G pensioners and BSNL/MTNL pensioners (combined service optees) are covered under the same CCS (Pension) Rules 1972 and all the retirement benefits including gratuity are similar to both of them.

Both C.G pensioners and BSNL/MTNL pensioners are getting their pension/family pensioners from Central Civil Estimate.

Almost all the recommendations of CPC like pension formula, enhanced family pension, age-related additional pension, commutation table etc. are made applicable not only to C.G CDA pensioners but also to BSNL/MTNL IDA pensioners.

The minimum & maximum pension of BSNL/MTNL IDA pensioners are linked to the minimum/maximum pay of Central Government.

Central Government pensioners are getting pension revision every ten years. Absorbed BSNL/MTNL retirees got their pension revision from 01/01/2007 and hence it is due for revision from 01/01/2017.

As per the statutory rules, pension including family pension is paid by Gol and 100% liability lies with Gol (as per DoT OM dated 20/7/2016)

Non-revision results in loss of pension

Because of non-revision of pension from 1/1/2017, some pensioners who retired between

October 2000 and December 2006 are getting less pension compared to their counterpart in Central Government. For example, one Shri P S Ramankutty who retired in 2004 is getting Rs.1677/- less per month in total pension as on 01/01/2017 compared to his counterpart in Central Government.

Though the minimum basic pension in Central Government is Rs.9000/ from 01/01/2016, some regular mazdoors in BSNL who came from Temporary status mazdoors are getting the minimum basic pension of Rs.3500/-.

As per the statistics collected in 2022, there are 403 family pensioners under PCCA, TN, 192 family pensioners in Kerala and 18 family pensioners in Odisha are getting the minimum basic pension of Rs.3500/-. It may be the status in other circles also. So, thousands of family pensioners are getting less pension than the minimum, stipulated under Rule 49(2) of CCS (Pension) Rules, 1972.

Court Verdict

Since the issue could not be settled through discussion we filed a petition before Hon PB, CAT, Delhi in 2020 (OA No.100/1329/2020) Hon. PB, CAT, Delhi pronounced its judgement on 20/09/2023 in clear terms, without any ambiguity, directed the respondent viz. DoT, to revise the pension at par with Central Government pensioners within 10 weeks time from the date of receipt.

In the absence of any guidelines for pension revision to absorbed BSNL/MTNL employees, it is requested to treat the above judgement as a guideline for pension revision to absorbed

BSNL/MTNL pensioners and implement the above judgement because it would provide a permanent solution.

Not only lawyers of the department argued before the Hon. Bench but also Director (Estt.of DoT) Shri Raj Kumar appeared and placed the department's views both on 10/07/2023 & 13/07/2023. They placed their arguments quoting CAT judgement of Ernakulam, Hyderabad & Bengaluru; stated about so-called incentive at the time of absorption thereby getting more pension; cease to be government employee on the date of absorption as per sub-rule 4 of Rule 37-A of CCS (Pension) Rules, 1972; the petitioners demand both the benefit of PSU & Government; result in anomaly to post-2017 retirees in the absence of pay revision etc. So, Hon. PB, CAT, Delhi gave sufficient opportunity to both the parties to present the case. After careful consideration of the arguments, based on documentary evidence, the judgement was pronounced. So, it is a well-considered judgement.

In the above-referred OA (1329) prayer was "Revise the pension as per 7th CPC fitment factor at par with Central Government pensioners".

Hon PB, CAT, Delhi allowing the OA, clear direction is given to the competent authority among the respondents which means DoT to implement the verdict within a specified time-frame of 10 weeks.

We quote para 22 of the judgement "The facts of the case are not disputed, nor is questioned any documents relied upon by the respective parties. There is no ambiguity that at the time of their placement and absorption in BSNL and MTNL, it was categorically stated that the erstwhile employees of the Department of Telecommunication shall continue to be

governed by their existing terms and conditions of the service which means that they shall continue to be treated as government servants for all intents and purposes. It is also not in dispute that from time to time, the recommendations of government, were made applicable in their case too.

There is no ambiguity with respect to the general terms and conditions governing absorption, as circulated and quoted in para 5 of this order, stating categorically the provisions of Rule 37-A of the CCS (Pension) Rules, shall guide payment of pension to their employees". We quote para 28 It is clarified that the benefits of revision of pension and family pension as notified by the Central Government on the recommendations of the Pay Commission, shall stand extended in favour of the applicants, analogous to the revision of such pension in case of Central Government pensioners".

How to implement the judgement?

The Central Government pensioners got their pension revised from 01/01/2016 merging basic pension and dearness relief (125%) plus 32% of basic pension. In otherwards the basic pension as on 01/01/2016 was multiplied by 2.57.

In the case of BSNL/MTNL pensioners their pension has to be revised from 01/01/2017 by merging their basic pension and dearness relief (119.5%) plus 32% of basic pension. In otherwards the basic pension as on 01/01/2017 has to be multiplied by 2.515 for those who retired prior to 01/01/2017.

In the case of BSNL/MTNL pensioners who retired after 01/01/2017 (without pay revision) to avoid any anomaly and treat the pensioners as a homogenous class, their basic pay as on 01/01/2017 may be multiplied by 2.515 notionally and they may be allowed increments, stagnation increments, if any, on such notional

pay till their date of retirement. Their pension may be fixed at 50% of such notional pay. There are precedences for fixing the pension on notional LPD. For example, accounts cadre pension was fixed on notional pay from 1996 to 2003; even in BSNL, when the merger of 78.2% IDA merger was implemented, their pension was determined on the basis of notional pay for those who retired between 01/01/2007 & 09/06/2013; the central government pensioners got their pension fixed at 50% of notional LPD (from 01/01/2016) on the basis of a committee's recommendation headed by Secretary, Pension and approved by the Cabinet.

The method suggested in point (iii) above will not involve additional burden on BSNL/MTNL which are facing continuous loss; those PSUs have already paid the pension contribution at the maximum of the pay-scale and not at actual pay for those who retired after 2017 also; need not require amendment to Rule 37 (15). It is enough if the Cabinet gives its nod.

The minimum pension and minimum family pension should not be less than Rs.9000/- per month from 01/01/2017.

May we request you, sir, to kindly take a positive decision in this regard.

SERIOUS ISSUES CONCERNING Pr. CCA OFFICE, TAMILNADU

**CHQ Letter Dated 24-11-2023 To
Ms. Anuradha Joshi Durgapal, CGCA New Delhi.**

Respected Madam,
CCA Tamilnadu is disbursing nearly 52000 pensions on monthly basis. Every month around 3500 DLC wanting cases are found to be on record in Tamilnadu CCA.

The DLC updation into Sampann as and when submitted after stoppage of pension is also getting affected with delays due to shortage of staff. The payment of arrears of pension for the intervening period is also subject to delays. Payment of FMA is getting delayed. The payment of arrears of FMA for the period from the date of effect to date of sanction is pending for quite a long time.

There have been lot of discrepancies in data in the course of migration from post offices to Sampann. This has resulted in short drawal of pensions for months.

Another issue requiring attention is release of Mapping letters in respect of CGHS migration.

Delay here causes difficulty to pensioners seeking migration if time gaps are more between surrender of old BSNL Medical card and receipt of new CGHS card. Even though the letters are sent by pensioners, the instances of missing of few such letters are noticed.

All these issues are raising the anxieties in the minds of concerned pensioners.

The Govt's motto of "ease of living of pensioners" is requested to be implemented.

The post of CCA, Tamilnadu is vacant and CCA Karnataka is on additional charge which may perhaps be another reason affecting on the efficiency of such a major circle. Staff Shortage is considered to be the major impediment in the entire event of procedures.

The above status has been brought to your kind notice with a hope that it will receive due attention for improvement.

INCLUDE CITY UNION BANK TOO

**CHQ Letter Dated 25-11-2023 To
The Controller of Accounts, CPAO, DoE, New Delhi**

Respected Sir

It is informed that, hitherto fore, the pensions to telecom pensioners were disbursed by intermediary agents-Banks and Postal HPOs. Now, Telecom Department has been making direct credit of pension to accounts of pensioners thro its integrated software known by its brand name 'SAMPANN' (CPMS) duly migrating all pension accounts from banks and post offices.

As per the guidelines issued by RBI for Disbursement of Govt. Pensions by Agency Banks and with the approval of CPAO, some private banks like Axis Bank/ICICI Bank/IDBI Bank/HDFC Bank/ Kotak Mahendra Bank, apart from nationalized banks , have also been authorized to disburse pensions through their designated CPPCs.

It is requested to include City Union Bank, a scheduled Bank, with its headquarters at Kumbakonam, for disbursement of pension to civil pensioners in Tamilnadu. The services of this bank are appraised as good by its customers, telecom pensioners wish to have the facility of getting their pensions to their accounts maintained by this bank. Most of the telecom pensioners in the state of Tamilnadu who are using the services of this bank would be benefitted by this arrangement, once it is approved.

We also request you that Dept. of Telecom may be advised to accept the bank accounts of City Union Bank also to credit the monthly pensions.
With Regards

PLEASE CLEAR PENDING MEDICAL BILLS

CHQ Letter Dated 27-11-2023 To CMD, BSAL New Delhi

We appreciate the clarification issued by the Corporate Office vide letter dated 02-05-2023 and are thankful for such a clear instruction. It is clarified through the above letter that retired employees are not required to give option every year. It specified that the Option once given is valid for subsequent years and also mentioned that if the option is rejected for non-submission, payment should be made immediately.

Despite the clear guidelines, a large number of retired employees are still in a denied position, especially with regard to fixed allowance without voucher for the period from Jan 2020 onwards.

Most of the family pensioners were denied due to an unfavourable condition that they were barred to submit the option. This is a very

disappointing situation. We request that the condition regarding the option be relaxed so as to provide some relief to all the family pensioners to get the medical claims settled. Circles may be directed to dispose of all pending cases in respect of any past period for which retirees / family pensioners have represented for claim in writing. Medical bills raised in ERP system are also piling up and pendency is increasing every month which runs into several hundreds of crores.

It is therefore requested that sufficient funds be released from the corporate office for clearance of all pending medical payments and ensure that monthly medical payments are made to the pensioners without any delay.
With Regards

CGHS IN 15 AIIMS

**Answer Given In Rajya Sabha On 5-12-2023
To Shri Ravichandra Vaddiraju:**

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) Whether Government is planning to expand cashless treatment facilities for the Central Government Health Scheme (CGHS) beneficiaries as is being done in AIIMS Delhi, PGIMER Chandigarh and JIPMER Puducherry bringing under the ambit of CGHS and proposes to include all AIIMS across the country; and

(b) If so, the details thereof and present status of its implementation of the scheme?

ANSWER

**The Minister Of State In The Ministry Of Health
And Family Welfare (Dr. Bharati Pravin Pawar)**

(a) & (b) As per the decision taken by the Government, Memorandums of Agreement (MoAs) have been signed by CGHS with AIIMS, New Delhi; PGIMER, Chandigarh; JIPMER, Puducherry and AIIMS located at Bhopal, Bhubaneswar, Jodhpur, Patna, Raipur, Rishikesh, Bilaspur, Rajkot, Kalyani, Bhatinda, Bibinagar, Guwahati, Deoghar and Mangalagiri; to facilitate cashless treatment/ investigation facilities to Pensioner beneficiaries and other eligible categories of CGHS beneficiaries at these premier institutions. The guidelines related to treatment of CGHS pensioner beneficiaries and other entitled class of beneficiaries at these Institutes are given at Annexure.

Annexure

The guidelines related to treatment of CGHS Pensioner beneficiaries and other entitled class of beneficiaries are as under:

- CGHS Pensioners and other beneficiaries entitled for cashless treatment like ex-MPs, ex-Governors, former Judges of Supreme Court of India, former Judges of High Courts, Freedom Fighters, etc., holding a Valid CGHS Card are eligible for cashless treatment at AIIMS.
- The validity of the CGHS card and the ward entitlement are printed on CGHS Card.
- AIIMS shall create a Special desk for CGHS beneficiaries.
- Entitled CGHS beneficiaries shall present their CGHS Card for verification at CGHS Desk.
- CGHS shall facilitate verification of card details on line from CGHS Data base in consultation with NIC.
- Entitled CGHS beneficiaries shall submit a self attested copy of CGHS Card of self. In case of treatment of a dependant family member copy of the CGHS card of self and family member shall be submitted.
- CGHS Desk at AIIMS refers the beneficiaries to OPD / Investigations / Indoor treatment as the case may be.
- Bills in physical form along with copy of CGHS card shall be submitted by AIIMS in the last week of month to the office of Addl. Director, CGHS of concerned City.
- AIIMS shall send bill to CGHS as per AIIMS rates, except in case of Room rent for Indoor treatment. Bills for room rent shall be sent to CGHS as per prescribed rates for empanelled Hospitals. The beneficiaries are eligible for indoor treatment as per their ward entitlement, as indicated on their CGHS Card.
- AIIMS shall create a separate Bank Account for CGHS beneficiaries to reimburse the bills by CGHS.
- Additional Director, CGHS of concerned City shall process the bills expeditiously and payment shall be credited into the Bank Account created by AIIMS for CGHS.
- CGHS pensioners and others eligible for cashless treatment can avail treatment without any mandatory referral from CGHS.

DISPLAY CGHS BOARD

CGHS/ESTT/6-32(A)/23/9570 dt. 4-12-2023

In context to the above mentioned subject and as per discussion held in the CGHS Panchayat held on 7-11-2023 Smt Vandana Chavan, Honourable MP Rajya Sabha suggested that all HCOs should display the board regarding availability of CGHS facility in the Hospitals and the board should read as follows

1) Cashless CGHS facility is available for Pensioners & CGHS staff. No advance deposit is necessary.

In this regard all are requested to display the above mentioned board in the Hospitals immediately. In future, if any complaint regarding excess billing/advance payment / harassment of CGHS beneficiary received in this office necessary action will be initiated as per MoA.

RECOVERY FROM GRATUITY

DoP&PW OM No- 28/91/2022-P&PW(B) (1)
dated 20-10-2023

The undersigned is directed to say that Department of Pension and Pensioners' Welfare has notified the Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972. Rule 67 of the Central Civil Services (Pension) Rules, 2021 deals with Government dues which can be adjusted and recovered from the gratuity payable to a Government servant under these rules.

2. As per Rule 67 of the Central Civil Services (Pension) Rules, 2021, it shall be the duty of the Head of Office to ascertain and assess Government dues payable by a Government

servant due for retirement on superannuation / retiring otherwise than superannuation/ retired from service. The Government dues which remain outstanding till the date of retirement of the Government servant, shall be adjusted against the amount of the retirement gratuity becoming payable.

3. The Expression 'Government dues' includes

(a) dues pertaining to Government accommodation including arrears of licence fee as well as damages (for the occupation of the Government accommodation beyond the permissible period after the date of retirement of the allottee, subletting, unauthorised occupation, transfer to an ineligible office, etc.) and dues or arrears in respect of electricity, water and PNG charge, if any;

(b) dues other than those pertaining to Government accommodation, namely, balance of house building or conveyance or any other advance, overpayment of pay and allowances or leave salary and arrears of income tax deductible at source under the Income Tax Act, 1961 (43 of 1961).

4. Rules further provides that only the Government dues as referred to in sub-rule (2) shall be adjusted against the amount of retirement gratuity payable to the retired Government servant and any other dues which are not Government dues in terms of sub- rule (2) shall not be recoverable from the amount of retirement gratuity.

5. All Ministries/Departments are requested that the above provisions regarding Government dues which can be recovered from Gratuity payable under the 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 there under, for strict implementation.

A SENIOR BJP MP WRITES ON OUR PENSION REVISION

A letter from Sh. G.V.L Narasimha Rao MP (Rajya Sabha) dated 28 October, 2023

Respected Shri (Dr.) Neeraj Mittal,
Over 4 lakh BSNL/MTNL pensioners spread all over the country are eagerly awaiting implementation of the PBCAT, New Delhi pronounced judgment on 20-09-2023 in the OA.no.1272/2020 in respect of revision of pension (RP) of BSNL/MTNL pensioners/ family pensioners as per the 7th Central pay commission (CPC) benefits. I am sure the Department would have received and perused the above referred judgment.

The important operative part of the PBCAT-ND judgment order dt:20-09-2023 by Mr. Tarun Sridhar, Member(A) & Mrs. Pratima K Gupta, Member() on the revision of pension of BSNL/MTNL Pensioners is mentioned below:

Para-21: We have gone through the voluminous pleadings on record and also heard the detailed arguments put forth by the learned counsels on more than couple of occasions.

Para-22: There is no ambiguity that at the time of their placement & absorption in BSNL & MTNL, it was categorically stated that the erstwhile employees of DOT shall continue to be governed by their existing terms and conditions of the service which means that they shall continue to be treated as govt. servants for all intents & purposes. It is also not in dispute that from time to time the recommendations of CPC as accepted & notified by the govt. were made applicable in their case too. There is no ambiguity with respect to the general terms & conditions governing absorption as circulated and quoted in Para 5 of this order, stating categorically that provisions of Rule 37-A of CCS (Pension) Rules 1972 shall guide payment of pension to these employees.

Para-23: In this para very clearly observed the attribution of rule 37-A of CCS (Pension) Rules 1972.

Para-26: We are not inclined to consider the extended arguments on behalf of the respondents even though we acknowledge some merits in these.

Para-27: We have no hesitation in concluding that present application deserves positive consideration. The govt. had given promise & stated it in black & white. How could it now retract from the promise that too not by any law or rules but simply refused to honor it?

Para-28: In view of the elaborate discussions above, the OA no -1272/2020 stands allowed. The competent authority amongst the respondents is directed to forth with revised the pension & family pension wherever applicable strictly in accordance with the relevant rules & entitlement governing pension to various sets of employees of Central Government maintaining strict parity.

Para-30: The OA no-1272/2020 stands allowed against the back ground of the aforesaid directions.

I would like to mention that most of the BSNL & MTNL pensioners/ Family Pensioners are well above the age of 65 plus years and are waiting for Pension Revision & Family Pension for the last 6 years i.e., w.e.f.01-1-2017. Any further delay in implementing the PBCAT. New Delhi judgment order will cause great discomfort to the BSNL/ MTNL pensioners/family pensioners.

I therefore request you to look into the above long pending issue & take an early positive action in this regard.

73001 LIFE MEMBERS

Com. T S Vittoban, our Treasurer intimates that as at 5 PM on 30-11-2023, total number of Life Members of AIBSNLPWA stands at 73001.

We were publishing the names in our Patrika earlier. More than 44000 names were so published. During Covid period we stopped issuing printed journal. Then two lists were published in E-journal during the Corona period. Thereafter, in April 2022 we published a list of some 18000 names in this Website.

Now, on 1-12-2023 we published a list of 4519 names of Life Members for whom CHQ received the Quota during the 20 months from April 2022 to November 2023.



CONGRATULATIONS

Mangalore membership has crossed 1000 during October 2023. We congratulate Mangalore leaders headed by its District Secretary Com Chandramohan and Karnataka Circle leadership.

CONGRATULATIONS

Com Anupam Kaul, Our Dy GS has been unanimously coopted as Vice President Headquarters in Bharat Pensioner Samaj w.e.f 16-10-2023 . We looking forward for working with BPS on main issues along with Central Govt Pensioner Associations.

PENSIONER FRIENDLY ACTION

DLC Campaign at Bangalore on 04-11-2023 was attended by Shri V Srinivas Secretary DOP&PW and Shri S N Mathur Joint Secretary, DOP&PW . Com P Gangadhara Rao had a meeting with them and requested them to take initiative to get the PB CAT Judgement implemented without preferring an appeal.



WELCOME TO NEW CIRCLE BRANCH IN HIMACHAL

New Circle branch has been formed in Himachal Pradesh Circle on 28-11-2023 at Mandi (HP) . The delegates from all the five Telecom Districts of HP participated in the Conference and elected the following office-bearers unanimously

President : Shri Lal Singh
Circle Secretary : Shri B D Sharma
Circle Treasurer : Shri Mohan Singh Mehta

CHQ Vice President Shri Atma Ram Verma, Dy GS Shri Anupam Kaul have attended the conference.

ANDHRA CEC

Circle Executive of AP Circle is held at Kurnool on 20-11-2023. Com V Vara Prasad GS addressed, explained all the efforts of CHQ on pension revision , contents of PB CAT judgement. AGS Com M. Rajasekhara Reddy also addressed. Com K S Koteswara Rao presided, Circle Secretary's report and accounts by Treasurer are adopted. CEC hailed PB CAT judgement on pension revision and the subsequent efforts for its implementation.

DISTRICT CONFERENCES

New District branch at Shimla formed on 22-11-2023 with following office-bearers:

President : Shri Shankar Lal Gautam
District Secretary: Ram Gopal Thakur
Treasurer: Madan Lal Mehta

Chandrapur held on 03-12-2023. Office-bearers :

Com Wasudeo Askar - President, Com Ramanand Singh - Secretary,
Com Devrao Chandanbawane - Treasurer.

Vijayapura held at Bagalkot on 01-12-2023. Office-bearers :

Com SP Bellubbi - President, Com SL Kulkarni - Secretary,
Com SL Hiremath - Treasurer.

Chhindwara MP (New) held on 09-12-2023. Office-bearers :

Com Raghunarth Singh Sisodia - President, Com Dawande - Secretary,
Com Devendra Kushwaha - Treasurer.

Ongole AP held on 09-12-2023. Office-bearers :

Com R Nagendra Rao - President, Com B Brahmananda Reddy - Secretary
Com. P Tirupathy Swamy - Treasurer

CHQ LEADERS MEET THE MINISTER AT VIZAG

Letter submitted to the Minister on 9-12-2023

Sub: Pension revision from 1-1-2017 for absorbed BSNL/MTNL pensioners – Implementation of PB CAT judgement dated 20-9-2023.

We may draw your kind attention to the above issue. You are well aware about the above issue. We met you, sir, for the first time in March 2022 (subsequent also) with the help of Hon. Parliamentary Affairs Minister Shri Pralhad Joshi. We found that you were always positive.



Hon. PB, CAT Delhi gave a judgement allowing all the three OAs including our OA 1329/2020 on 20/9/2023. The verdict clearly states that absorbed BSNL/MTNL pensioners' pension should be revised at par with Central Government pensioners from 1/1/017. The order also stipulates 10 weeks time from the date of receipt which is ending by 16-12-2023.

We met Telecom Secretary Dr. Niraj Mittal on 15-11-2023 and requested him to implement the PB CAT judgement as a guideline since there is no guideline/benchmark for Pension Revision to BSNL/MTNL absorbed pensioners who are getting the pension from Govt. of India. Hence we requested him to take a positive decision for implementation of Hon. PB CAT judgement. We also requested not to go for Appeal since many pensioners are 70 plus. Telecom Secretary informed us that he would brief Hon. MoC and seek his approval; consult the nodal department i.e. the pension department and take a decision. We are confident that he would have met you, sir, after your successful mission in MP, and you might have given your consent for implementation of the judgement.

As most of the pensioners are 70 plus, keeping the interest of these senior citizens in mind, we request you, sir, to direct the DOT to implement the judgement as early as possible. Such a kind decision of yours would give maximum relief to nearly four lakhs of BSNL/MTNL pensioners/family pensioners who have been waiting for pension revision since 2017.

[The picture shows Com. R S N Murthy, our CHQ Organizing Secretary makes a passionate appeal to the Minister for a positive decision. Hon. MP Shri Narasimha Rao, our GS are also seen in the picture.]



Kerala Circle Executive Committee of AIBSNLPWA decided to hold a circle level Women's Convention on the Pensioners' Day of 2023. Since the Pensioners Day this year falls on Sunday it was later decided to hold the convention on the previous day. The Convention was so held on 16-12-2023 in the Ashirbhavan auditorium, Kochi named after late Smt. K G Sujatha, former Circle Committee member of AIBSNLPWA Kerala which was attended by 230 lady comrades from all ten SSA Units.

Com. P S Ramankutty inaugurated the Convention with a brief speech in which he told that our lives are blessed with facilities to enjoy this beautiful world and we all should find time and mind to share this blessings with those who do not have it.

Smt. G Suprabha presented a condolence resolution. Entire house stood in silence and approved it. Smt. Monica Duram welcomed all.

Com. T P George, Circle Secretary read out the message from GS Com. V Varaprasad to the Convention. Com. George conducted the proceedings of the event.

Thereafter Smt. A Savita, CHQ Organizing Secretary from Karnataka in her one hour long Key Note address touched upon

various issues concerning women in the country and women pensioners in particular. She congratulated Kerala women comrades for organizing this convention, first of its kind in the entire country.

Smt. A P Saraswathy, CHQ Organizing Secretary presented a paper detailing action programme and organizational task to ensure more effective participation of lady members strengthening the Association as well as for playing a better role in building of a more secure and social society in the Country.

It was followed by group discussions. Conveners of various groups then presented their reports in the afternoon session. Com. Saraswathy concluded the discussions specifying certain programmes for immediate implementation. Finally Com. P S Ramankutty once again addressed the gathering at the end of the function.

Sub Committee:

The Convention elected unanimously a 25 members Circle Mahila Sub Committee with following office-bearers:

Com. A P Saraswathy : Chair Person,
Com. Annie Preman : Convener
Com. Satheemani Amma : Joint Convener
Com. Monica Duram : Joint Convener
Com. Sulaikha : Joint Convener.

YOU ARE WRONG, COM. JAYARAJ

D Gopalakrishnan

During last week of November 2023, Com.K.G. Jayaraj the GS AIBDPA has issued a very lengthy message regarding Pension Revision. He is the GS for a pretty long time - if I am not wrong - from the formation day of AIBDPA. And I understand that there is a compulsion on his part to send such a lengthy message because there is a pressure from his own members that why AIBDPA is not asking for implementation of Hon. CAT Judgement of 20/9/2023. I could also understand the frustration on the part of Com. Jayaraj, that almost all his allies have left and demanded implementation of CAT Judgement. AIBDPA is left alone.

I would like to clarify certain points:

1. He says that AIBDPA is very clear in its stand from the very beginning on Pension Revision that it should be as per 3rd PRC with 15% fitment delinking wage revision from Pension Revision. **This is contrary to the fact.** The first stand of AIBDPA was to get Pension Revision and Wage Revision together. They have demanded that the Cabinet note should contain both. So this point is wrong.

2. He mentioned about the Historical background, where he said that BSNL Employees were given IDA Scale which are higher than the CDA Scale of the CG Employees and this is possible only because of Rule 37A. Let me clarify that. We have been telling for a pretty long time that the IDA Pay scale had to be given for any Public

Sector started after 1/1/1989 as per the Judgement of Hon. Supreme Court delivered on 3-5-1990 followed by DPE orders of 12/6/1990. So IDA pay scale is mandatory as per legal provisions. So his statement on this aspect **is also incorrect.**

3 Then he said that the last Pension Revision from 1/1/2007 was as per 2nd PRC. He is wrong. It is not as per 2nd PRC. The Cabinet note itself said to undo the anomaly between Pre 2007 and Post 2007 retirees same 30% benefit is given. So it is not as per 2nd PRC.

4. Com. Jayaraj said that our demand is illogical. **Again he is wrong.** Honourable PB CAT Delhi has categorically stated in the Judgement that our demand is not only logical, justified and based on documentary evidence. If our demand is illogical as stated by Com. Jayaraj the Honourable Court would not have given such a favourable decision.

5. Then he made another accusation against our Association that we collected huge amounts in the name of PM Care Fund. It is absolutely wrong. We collected the fund to help the people who were affected by national calamity in the name of PMNRF. PM Care Fund is totally different. We collected towards PM National Relief Fund and handed it over through the Hon. Minister of Parliamentary Affairs, Shri Prahalad Joshi. We got the receipt from the PM's Office too.

6. Then he said that we have filed the case separately; not with other Associations.

Initially we thought of filing the case in CAT Bangalore and there were some difficulties. So we switched over to PB CAT and we found that filing separately is beneficial because we can engage a different lawyer while others have their own lawyers. It was like a double-barreled shotgun. There is nothing wrong in it.

7. Com. Jayaraj has mentioned wrongly that it was filed in 2019. In fact our case was **filed in 2020.**

8. Then he said that AIBDPA was also approached for filing the case. We do not know who approached them. **Certainly we have not approached them.** And he said that they discussed the issue threadbare in their Guwahati CWC Meeting and decided against going to the court. But he conveniently avoided about the earlier Ghaziabad CWC of AIBDPA which decided to approach the court and Com Sampath Rao. AP circle secretary immediately offered Rs.50,000/- donation for legal expenses. Com. P. Abhimanyu, the GS of BSNLEU stated that even recently. After seeing the judgement, Com Abhimanyu congratulated one of the petitioners also. So approaching court is not a bad idea. If others do it, then, it becomes bad for Com Jayaraj.

9. And then he said that Pension Revision is not an issue to be left to the uncertainty of the Courts. If Shri D. S. Nakara had thought that way, Pension Revision would not have become the reality. He approached the Hon. Supreme Court which gave the historic Judgement on 17th December 1982 and because of that, all the CG Pensioners are getting Pension Revision. **So this statement is also contrary to the truth.**

10. Com. Jayaraj claimed that 2007 Pension Revision was through relentless struggles by AIBDPA and Joint Forum of AUAB of the Employees. **The Pensioners are well aware that how we were able to convince the then Member (Services) in 2009 and got the benefit. That needs no explanation.**

11. And he claimed that because of their efforts only, Member (S) Dr. Mahesh Shukla convened the meeting on 17th October 2022. But our CBMPA Associations had a meeting virtually and after discussion we only wrote suggesting to the Telecom secretary that a meeting has to be convened under the Chairmanship of Member (S) and it was accordingly convened. So, this statement of Com. Jayaraj is also **contrary to the truth.**

12. And he said that a particular Association, (meaning our Association) had ruled out any negotiated settlement on Pension Revision. **This is also an incorrect statement.** We held several rounds of discussions for several years before filing and even after filing the case.

13. Then he also said that 60/40 condition has been annulled fully by the Central Cabinet; full liability of pension payment is borne by the Central Govt. That is a fact. But who has done that? Annulment of 60/40 was because of our consistent efforts supported by the then Central Minister Shri. Ananthakumar. AIBDPA demanded for delinking 60/40 from 78.2 issue with then Telecom secretary Shri R K Garg. had discussed the issue with then Telecom Secretary Shri. R. K. Garg. This is the fact.

14. Then he said that on 17th October 2022 DG, Prahlad Rai and G. L. Jogi vigorously

argued for 7th CPC fitment. But later repeatedly appealed to the Member (S) to consider the fitment between 0% and 15%. **This is also travesty of truth.** When the Official Side proposed 0% it was totally rejected by all the Associations. Then the Member (S) told that 0% is not beneficial and 15% also not possible, he would discuss the matter with Telecom Secretary and MoC and then decide the fitment factor which may be between 0% and 15%. It was the statement of then Member (S) Dr. Mahesh Shukla and not ours. At that point of time we only told them that 7th CPC fitment is also between 0% and 15% (because the benefit is 14.55%). So this statement of Com. **Jayaraj is also contrary to the truth.** We have already given details of the discussions on 17-10-2022 through circulars.

15. Then he said that 10% was offered by Hon MoC to Com. G. L. Jogi and his team. Com. Jogi never told it. There was no reference by any of the Associations that the MoC agreed for 10%. **This is also not a fact.** They were discussing. But the file has not gone to MoC. If the MoC has given his inclination for 10%, why the file was withheld by the then Secretary Shri. K. Rajaraman till his retirement?

16. And if they have decided for 10% can anybody think that because of a pending court case before PB CAT Delhi they could not declare it? If that is the fact even before the court, the DoT could have declared that we are in the process of making a Pension Revision and please wait for some more time. It was not offered. On the other hand they vehemently opposed pension revision. Even the Director Estt Shri Raj Kumar himself argued before the PB. **So it is not a fact.** Com. Jayaraj is trying to blame our

Association saying because we have gone to the court only, the Pension Revision issue is delayed. **It is not the truth at all.** That is what we want to make it clear.

17. And he has also said that some others have started calculation of arrears to each Pensioner and began approaching Pensioners for collecting huge amount as Donations. **This is also not correct.** Our CWC held at Ahmedabad recently has categorically decided to continue the legal fight at higher level if required, till it reaches its logical end. We have fought the case in CAT without collecting a single rupee from anyone. In future, if needed, we will approach our members and we are confident that our members will cooperate with the mission. Com. Jayaraj need not waste his energy to confuse the pensioners.

18. He went on commenting on the judgement to belittle its significance. We have made it very clear that *strictly according to rules* means strictly according to the provisions of rule 37A which clearly states that pension on IDA pay and dearness relief also on IDA. So let us not get confused about it.

19. There is no doubt that IDA pay is more than the CDA pay. But the Dearness Relief on IDA is not more than the DR on the CDA. Even the Govt has admitted it before the Hon. Supreme Court itself through an affidavit in VSNL case. So without understanding the matter Com. Jayaraj has commented that dearness relief on IDA is higher when compared to dearness relief on CDA. If that is the case, why FCI Retired employees had gone to the court and asked for pension on IDA and DR on CDA? The Hon. Supreme Court in 2010 declared that they are entitled for pension on IDA and DR on CDA.

20. Again, without any logic or basis Com. Jayaraj has told in his circular that the post 2017 retirees have been completely ignored by the petitioner organisations. It is totally wrong. He is trying to confuse the pensioners. In our Petition itself the 4th petitioner is Com. V. Latha who has retired on 31st January 2020 under VRS 2019 scheme. We have chosen the petitioners consciously. We have been repeatedly telling this. Initially we thought that 32% benefit can be given notionally from the Date of Retirement to those who retired after 2017. We had given calculations also. Whether you are a pre 2017 retiree or post 2017 retirees the actual benefit in pension revision will be 14.55 %. But when the DOT itself has given a presentation on 17/10/22 when they proposed 0% fitment, how the fitment for post 2017 retirees should be given? We took advantage of that and then told that post 2017 retirees should be given notional pay from 1/1/2017 (by adding 32 percent of basic pay) and consequential benefits on that notional pay till the Date of Retirement. Pension should be fixed on the notional pay and not on actual pay. We have quoted the precedence to fix pension on notional pay. So we are very clear on this.

21. Then finally Com. Jayaraj said that he will fight and he will approach likeminded organisations. AIBDPA is left alone. All the associations with them earlier – be it SNPWA led by Com. Jogi or BDPA led by Com. Mistry or Mudgal of MREWA - all these associations have jointly written to the Minister asking for implementation of the Judgement with 7th CPC fitment factor

because they are not prejudiced against anyone like Com. Jayaraj.

22. These are all the facts and we would only appeal to AIBDPA that they should also demand implementation of PB CAT judgement dated 20/9/23 with 7th CPC fitment factor which is the correct and logical demand. It is a permanent solution. Now we have got a weapon through this judgement.

23. The decisions of CAT Ernakulam or Bangalore or Hyderabad are different. In those cases the prayer itself was different. In Ernakulam CAT case, we have asked for pension on Last Pay Drawn instead of 10 months average for those who retired from BSNL before 1/1/2006. As it was rejected by CAT we are in High Court of Kerala with Appeal. Cases before Bangalore and Hyderabad were filed by individual pensioners and the Hon. Principal bench did not give any credence to them though DoT lawyers argued quoting those judgements. Still Com. Jayaraj is pondering over it to confuse his own members. One pensioner Mr. Vincent from Mangaluru who filed the case before Bengaluru CAT but couldn't get favourable judgement has appreciated this PB CAT Delhi judgement as a wonderful judgement and he has recognized that CPC fitment factor is the only solution.

24. We have requested the DoT authorities as well as the Minister not to go in for appeal. We are confident that a favourable decision will be taken by the Hon. Minister very soon.