

PENSIONERS' PATRIKA

पेंशनर्स
पत्रिका

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HELP THE WIDOWS

HELP THEM GET FAMILY
PENSION ;

WIFE OR DAUGHTER OR
THE OLD MOTHER
OF DECEASED COWORKER

MARCH 8: International Womens' Day

AIBSNLPWA OBSERVES PENSIONERS DAY



PENSIONERS PATRIKA

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Editorial

THE PARADIGM SHIFT

When we type these lines we have information, that too from Secretary Telecom himself, that Department of Telecom, has taken a decision not to prefer any appeal against the historic judgement of Principal Bench of CAT pronounced on 20-9-2023 in the OAs filed by AIBSNLPWA and four other organizations. DoT has already held some informal discussions with Departments of Pension and Expenditure. But, till date a concrete proposal is not submitted to the nodal ministries. The formula prepared for the revision is not officially revealed.

We are happy that Shri Ashvini Vaishnav, the Hon'ble Minister for Communication has directed to honour the CAT order. We are aware of the hurdles created, one after another, by the bureaucrats in his office. Same bureaucratic minds declared during 2009-2010 that pension revision in BSNL, being a PSU, was impossible even though IDA pension was revised in Food Corporation of India and Airport Authority of India. We made it possible in BSNL. Pension Revision at any cost, whatever be the formula, was our target then. Once pension revision is made possible, this time, we focused on the fitment formula. We had to fight a legal battle, a fight for the future. Some learned friends amongst us too propagated against the legal fight and against the very demand for pension revision with CPC formula. Somehow, our resources - time, energy, wisdom and wealth - spent for the legal fight did not go waste. But there was delay, quite intriguing, in honouring the verdict from the Court of Law. We were not sitting idle. We exerted maximum pressure and influence - political, official, personal and organizational - to come out of the complex situation. We apprehend that the bureaucrats may play their game again. They may send some proposal which DoE may return with queries. Thus the process can be delayed further.

We are thankful to Shri Ashvini Vaishnav, for taking a bold decision, marking a paradigm shift. We hope that he will ensure that his assurances are honoured by his officers. We are thankful to Shri Pralhad Joshi, Hon'ble Minister for Parliamentary Affairs, for his earnest intervention to ensure justice to us. We are grateful to Dr Neeraj Mittal IAS, the Secretary Telecom who has a positive approach towards the issue. We are grateful to Shri B S Murty, former Member of Telecom Board, who guided us at different stages in pursuing the matter in right direction. We greet our members all over the country who stood steadfast in this historic fight. All the BSNL/MTNL retirees numbering about four lakhs shall be benefitted by our efforts. We do hope that they will move to the Victory Stand soon.





Dear comrades,

Namasthe to all.

I wish to report the following latest developments with regard to our Pension Revision.

Let us recapitulate the efforts we have been making to get a permanent solution to the complex issue of our pension revision. We started the efforts right from the time Seventh CPC was constituted. Due to the negative attitude adopted by the top bureaucrats then in DoT, the CPC did not consider the issue of pension revision of BSNL/MTNL retirees. But we continued our efforts with legal fights, agitational programmes and negotiations. We met Shri Aswini Vaishnavji, the Hon. Minister for Communications 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 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. Finally on 9th December 2023, we met him at Visakhapatnam. We



requested him to ensure that DoT does not file an appeal against CAT order. He indicated that no appeal would be filed. Every time Shri Vaishnavji appeared to be positive.

In between the Secretary was changed and Dr Neeraj Mittal, an officer with positive attitude, took over. Other top officers in Sanchar Bhavan were 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. 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.



L to R: DG, Gangadhara Rao, Sh. Pralhad Joshiji, Varaprasad, Gandigawad and Nyamati



L to R: Gangadhara Rao, Varaprasad, M (F), DG and J S Dahiya

Meetings in February 2024

Of late, confusing news appeared, deliberately spread by some corners, about the course of action being taken by DoT. Hence, Com. D Gopalakrishnan (CHQ President), Com Gangadhara Rao (VP) and myself reached Delhi on 5th February 2024. Com N K Gandigwad, veteran leader of Hubballi and Com. Nyamati of Hubballi reached Delhi on the same day. Com. J S Dahya, AGS joined us on the last day of our mission.

We met Shri Pralhad Joshi ji on 6th night at his residence and requested him to arrange a meeting with Hon MoC. He told that he would talk to MoC and a meeting would be arranged on 7th or 8th and told his PA to coordinate with PA of MoC and us. Hon MoC was terribly busy and could not grant us an appointment even on 9th.

But on 9th February 2024 we could meet Dr Neeraj Mittal, the Telecom Secretary (even though he was on leave on the day, he came to office in the evening to sign some files and granted us an appointment.). We are happy to note that he was very firm and positive.

We also met Shri Manish Sinha (Member F), Shri A K Sahu (Member S) and the Director (Estt.)



L to R: Gangadhara Rao, DG, M(S),
Varaprasad, and J S Dahiya

After meeting all these officers our assessment is

1) DoT is mentally prepared to implement the judgement of PB, CAT without preferring an appeal

2) Informal consultations were already held with Departments of Pension and Expenditure.

3) The file is not yet sent to DoE and it may be sent in the coming week

4) All the officers are tight-lipped about the actual proposal but we could understand that they have two/three options for implementing the CAT judgement.

5) It's clear that DoT is interested to find a permanent solution and at par with CG pensioners as we demanded.

6) It's clear that after getting the nod from nodal departments cabinet note will be prepared and the whole process will take at least 6 months because a policy decision has to be taken to delink pension revision from pay revision and related issues.

We called the leaders of applicant associations on 9-2-2024 evening to brief them but only Com Bagchi and Com. Jain from AIRBSNLEWA came and others could not come due to personal reasons.

We told them that we are not interested to file any contempt petition because that would provide an opportunity for DoT to file an appeal against the judgement which may drag on for nearly 4 years. We also appealed to other applicant associations not to go for contempt petition.

Despite severe cold for which we are not accustomed to and many health issues we stayed in Delhi for five days. Hope all of you would appreciate our sincere efforts for getting a permanent solution.

10-2-2024

V Vara Prasad, GS

IDA PENSION CAN BE REVISED WITH CPC FITMENT

In 1964, Food Corporation of India was set up by the Government through an Act approved by Parliament. The employees of Department of Food and Agriculture were given a chance to opt for new PSU. They were granted higher pay scales than that in central services. [As done in our case in BSNL later on]. These FCI absorbees were given two options for retirement benefits.

1. *FCI Pay scales and FCI retirement benefits.*
2. *FCI Pay and Central Govt retirement benefits.*

Some employees opted the first one and some others the second one. The second group is known as *Food Transferees*. There was no IDA pay at that time. In 1989 based on a Supreme Court order, IDA pay scales and IDA pension came into existence. Since BSNL was formed after the said Supreme Court judgment, we had no other option but to accept IDA scales with Government pensionary benefits under new Rule 37A of CCS Pension Rule 1972.

At present, there is no absorbee employee in FCI. In 2018, out of the sanctioned strength of 42038 only 22732 employees were on roll. They are all direct recruits of FCI. There may be few hundred pensioners living, mostly family pensioners. The number is irrelevant. Policy is important. Both pay and pension were revised with effect from 1-1-2007 in FCI with 2nd PRC benefits. From 1-1-2016, FCI has revised pay of its serving staff and Government has now revised pension of FCI IDA pensioners with CPC fitment benefits. Both are delinked. It is the most vital point. We, BSNL/MTNL pensioners are placed in similar situation.

In 2010 we demanded Pension revision. DoT denied it saying that there is no provision for any pension revision for IDA pensioners. When we pointed out the precedence of FCI IDA pension revision the authorities could not reject our demand. In March 2011, DoT issued order revising our pension. A similar situation has arisen now.

In July 2023, Com. D Gopalakrishnan, our CHQ President understood that some efforts were being initiated to revise the pension of FCI IDA pensioners. He asked the information under RTI Act. Com. DG received a reply that the pension was revised but details were under examination. In last week of December 2023 DG could obtain a copy of the order of Deptt. of Food & Public Distribution dated 13-12-2023 revising the pension of FCI retirees. Immediately, our General Secretary wrote the following letter to Secretary, Telecom. Copy of the DoF&PD is also reproduced in next page.

IDA PENSION CAN BE REVISED WITH CPC FITMENT

**CHQ Letter dated 29-12-2023
To Dr Neeraj Mittal,
Secretary, Telecom, New Delhi.**

Ref: Department of Food & Public Distribution
F. No, 38020/1/2019-FC-3 dt.13-12-2023
on revision of pension in respect of IDA
employees.

May we recall to your memory about our meeting
on 15/11/23 and discussed the above issue.
Hope DoT under your stewardship is processing
for implementation of Hon PB CAT judgement
dated 20-09-23.

In this connection may we draw your kind
attention to the order by Department of Food
and Public Distribution issued on 13/12/2023 in
consultation with not only nodal departments but
also DoT revising the pension to FCI IDA
pensioners w.e.f. 1/1/2016 by applying the
fitment factor recommended by 7th CPC i.e;
multiplying the pension as on 31/12/2015 by
2.57 multiplication factor.

The copy of the order is herewith attached for
ready reference. May we request you sir for
necessary action in our case.

**Deptt of Food & Public Distribution
OM No. F.No. 38020/1/2019-FC-3
Dated 13.12.2023**

I am directed to refer to FCI's proposal vide
letters of No. Pens/1/2022-PIR dated
01.12.2022 & earlier letters No. WRC/39/1/2019
dated 06.12.2019 & 27.05.2022 & Letter from
Regional Director (Food), South Zone of No.

Estt.32(2)/2015-RDF dated 13.05.2022 on the
above cited subject (copy of each enclosed) and
to say that the proposal for revision of Pension
of Food Transferee who are drawing pension at
the Pay Scale of FCI and Dearness relief
applicable for Central Government pattern has
been considered in this Ministry in consultation
with Department of Pension and Pensioners'
welfare, Department of Telecommunication and
Department of Legal Affairs.

2. Based on the consultation held with various
Departments and IFD, detailed guidelines/
calculation in r/o Revision/Rationalization of
Pension/Family pension in r/o IDA employees/
Food transferees are enumerated as below:

I. Date of Effect:

Pay revision will be effective from the date of
01.01.2016 along with protection of pension as
on 31.12.2015. Further, the benefits as
applicable to CDA pay pattern employees may
be extended to IDA pay pattern employee
including Dearness Relief as and when
applicable.

II. Multiplication Factor:

As per the OM F.No.38/37/2016-P&PW(A) dated
04.08.2016 (copy enclosed), the revised
pension/family pension with effect from
01.01.2016 shall be determined by multiplying
by 2.57 the pension/family pension as had been
fixed at the time of implementation of 6th CPC.
The amount of revised pension/family pension
so arrived at shall be rounded off next high rupee.

**Methodology of pension fixation with Fitment
Factor 2.57 as under:**

[Contd in next Page]

a. Revised Basic pension as on 01.01.2016 = Existing pension/family pension as on 31.12.2015 multiplied by CDA fitment factor (i.e. 2.57).

b. The amount so arrived shall be regarded as consolidated pension/family pension w.e.f. 01.01.2016 subject to minimum/maximum limit prescribed under CCS (pension) rules, 1972. Further, the pension so arrived is qualified for grant of Central Dearness Relief sanctioned by Ministry of Finance from time to time.

c. Illustration:

Suppose Basic pension as on 31.12.2015 is Rs. 10,000

- Revised Basic pension as on 01.01.2016:
 $10,000 \times 2.57 = 25,700$
- CDR as on 01.01.2016 = ZERO

3. Further, once the basic pay is fixed, the existing pension may be regulated as per instructions/guidelines issued by Govt. of India from time to time.

4. This issues with approval of Secretary, DFPD vide e-office Note (File No.) 38020/1/2019-FC-3 dated 12.12.2023.

NOTIONAL INCREMENT

**CHQ letter dated 17-1-2024
to Secretary, Telecom**

May we draw your kind attention to the above three references cited above (copy enclosed for ready reference) on the above subject.

2. DoPT in its ID note referred to Hon Supreme Court order dated 11/04/2023 in Civil Appeal No.2471 of 2023 @ SLP © No. 6185/2020 in case between KPTCL Vs C P Mundinamani & Ors decided that the Division Bench of the Karnataka High Court has rightly directed the appellants (KPTCL) to grant one annual increment which the petitioners earned on the last day of their

service for rendering services during the preceding one year from the date of retirement with good behavior and efficiently. It was reiterated by the Hon Supreme Court vide its order dated 19/05/2023.

3. DoPT in para 3 of its ID Note stated “many Ministries/Department/Organisations have taken an administrative decision on complying with the Court orders on the subject matter”.

4. Ministry of Mines (Reference 2 above) in para 2 of its order stated “It is requested similar cases may be decided, within the delegated powers, post receipt of applications from the concerned pensioners in accordance with the Hon Supreme Court of India order dated 11/04/2023”.

5. GSI, Central Head Quarters (Reference 3 above) has categorically stated “ The applicants may apply to the respective Head of office wherefrom they have retired on superannuation; no approval is required from the Director General, GSI for grant of notional increment and the cases are to be decided by the respective Head(s) of office on merit”.

6. In view of the above facts, we request you, sir, to take an administrative decision and issue necessary unambiguous orders for granting one annual notional increment who earned it on the last day of their service to the absorbed employees retired from BSNL. Though they have retired in different months (not on 30th June or 31st December), the concept is the same. This notional increment is only for pension fixation.

May we expect a positive decision in this regard at the earliest.

CHQ LETTERS

ON PENSION REVISION

Date: 06/02/2024

To Shri Ashwini Viashnawji,
Hon. Minister for Communications & IT,
New Delhi

Respected Sir,

Sub: **Pension Revision of absorbed
BSNL/MTNL pensioners**

The above issue is well-known to you, sir.
Hence we need not explain in detail.

When we met you, sir, on 09/12/2023 at
Visakhapatnam, you were telling
categorically that **“we are not going for
appeal against PB, CAT judgement dated
20/09/2023 and the issue will get solved
very soon”**.

We understood that DoT officers gave a
power point presentation to you, sir, on **25/
01/2024**. We do not know the details.

**We feel that there is an urgency to settle
this issue before the announcement of
general election by Election Commission
of India, because the code of conduct will
come into effect after the announcement.
Most of the pensioners are 70 plus and
all of us are eagerly waiting for the
revision of pension since 01/01/22017.**

We fervently appeal to you, sir, to settle this
issue soon, keeping the interest of lakhs of
pensioners.

ON PENSION REVISION

Date: 06/02/2024

To Dr Neeraj Mittal,
Secretary (Telecom), New Delhi

Respected sir,

Sub: **Pension Revision of absorbed
BSNL/MTNL pensioners –
Implementation of PB, CAT,
judgement dated 20/09/2023**

We could meet you, sir on **15/11/2023** and
submitted a letter on the above issue. After
hearing our views, we were informed by you,
sir, that **“Hon MoC would be briefed and
seek his opinion; consult nodal
departments and take a decision by 2nd
week of December 2023”**.

We understand that Hon MoC was briefed
and consultation with nodal department was
also held. We also understand that DoT
gave PPP to Hon MoC on **25/01/2024** on
this subject.

**General Elections are round the corner
and the pensioners are anxious to get the
pension revision order before code of
conduct comes into effect. Most of the
pensioners are 70 plus and all are waiting
for this revision since January 2017.**

We want the DoT officers to take us into
confidence about the implementation of the
judgement dated 20/09/2023 of PB, CAT,
Delhi, DoT's proposal, and we are willing to
cooperate to solve this long-pending issue.

PENSIONERS' DAY 2023

By end of December 2023 our Central Headquarters received more than 800 photos from branches of the functions organized to observe the Pensioners Day. It was a difficult task to choose few from these photos for publishing in this journal. However, we tried to select photos from all regions.

Our branches in Andhra, Telangana, Karnataka etc. organized charity activity on the occasion by visiting orphanages/old age homes and distributing food items, clothes and other useful things to the inmates.

Organizations of pensioners in India observe 17th December every year as Pensioners Day. Because it was on 17th December 1982, the Supreme Court of India pronounced a very significant judgement in a case filed by late Mr. D S Nakara, Mr. H D Shourie and others. This judgement is known as *magnacarta* of Indian pensioners. More significant it is that it was pronounced in one voice by a full bench of the Apex Court consisting of justice Y V Chandrachud, Justice D V Deasai, Justice V D Tulzapurkar, Justice O Chinnappa Reddy and Justice Bahrul Islam. They were the germs of Indian judiciary.

Late Mr. D S Nakara was not a trade unionist as some comrades think. He was the Financial Advisor in Ministry of Defence. Late Mr. H D Shourie was a man who devoted his life for fighting for basic rights of common man for which he formed a platform, titled Common Cause. He used to file cases in Supreme Court on matters of public interest and argue the cases himself. He received acclaims even from the judges for the extra ordinary acumen he exhibited in the arguments. [It may also be noted that his son,

Mr. Arun Shourie, was a minister in the first cabinet headed by Atal Behari Vajpayee. As a minister he was in charge of selling Central Public Sector Undertakings in India. Thereby he denied pension to lakhs of workers who were serving in such central PSUs while his father created a history by fighting a case for the pensioners. It is the absurdity of history.] Both Mr. Nakara and Mr. H D Shourie had not associated themselves with any trade union organization or political organization. Despite that we should give them due credit.

Mr. Nakara was denied benefits of an order issued after his retirement. He filed the case against the discrimination. Mr. H D Shourie helped him to improve the very basic character of his affidavit adding a new dimension to the legal fight. Both of them together raised basic issues and basic concepts of pension.

What is pension?

Who should give pension?

Who are eligible for pension?

How much be given as pension?

Can government/ employer reduce the quantum of pension? etc.

Naturally the Supreme Court had to address such basic issues concerning pension and comment upon them in the judgement. Finally the judgement became historic.

We should be grateful to late Mr. D S Nakara (1914-2009) for his great service to the pensioners of India for filing the case against injustice with farsightedness. All of us – all the pensioners of BSNL, Central government, State governments etc etc. – are enjoying the fruits of his labour and wisdom. When we observe the Pensioners Day, let us remember both Mr. Nakara and Mr. Shourie

ORDERS

MEDICAL REIMBURSEMENT IS NOT TAXABLE

Letter From Principal Chief Commissioner Of Income Tax, UP (East), Lucknow- 226 001 F.No.Pr.CCIT/Tech. / Lko/RTI/2019-20/2023-24 Dated: 27.10.2023 To The CPIO/Dy. Commissioner of Income Tax (Hq.)(Admn.), O/o The Pr. Chief Commissioner of Income Tax UP(East), Lucknow.

Subject: Requisition of information under the RTI Act, 2005- reg.

Please refer to your office letter bearing F.N. RTIV/FA/ Pr. CCIT/Lko/Vol.1/2023-24/3352 dated 19.10.2023 regarding the above mentioned subject vide which copy of order of the First Appellate Authority dated 17.10.2023 and RTI application dated 11.07.2023 filed by Sh. Yaduvesh Chaturvedi was sent to this office.

2. In view of directions issued vide para 6 of the FAA's aforesaid order dated 17.10.2023, the requisite information is as under:

(i) Sub clause (a) of clause (ii) of the proviso to clause (2) of section 17 of the Income Tax Act, 1961 says that any sum paid by the employer in respect of any expenditure actually incurred by the employee on his medical treatment or treatment of any member of his family in any hospital maintained by the Government or any local authority or any other hospital approved by the Government for the purposes of medical treatment of its employees; shall not be treated as 'perquisite' therefore not taxable under the head 'salaries'.

For clarify, proviso to clause (2) of section 17 of the Income Tax Act, 1961 is being reproduced hereunder:

Provided that nothing in this clause shall apply to,—

(i) the value of any medical treatment provided to an employee of any member of his family in any hospital maintained by the employer,

(ii) any sum paid by the employer in respect of any expenditure actually incurred by the employee on his medical treatment or treatment of any member of his family—

(a) in any hospital maintained by the Government or any local authority or any other hospital approved by the Government for the purposes of Medical treatment of its employees.

(b) in respect of the prescribed diseases⁸⁵ of ailments, in any hospital approved by the Principal Chief Commissioner or Chief Commissioner having regard to the prescribed guidelines⁸⁶

Provided that, in a case falling in sub-clause (5), the employee shall attach⁸⁷ with his return of income a certificate from the hospital specifying the disease or ailment for which medical treatment was required and the receipt for the amount paid to the hospital;

(ii) Further, as concerned with refund process of TDS made, the applicant is required to file the ITR for the relevant assessment year claiming excess tax deducted within due date on e-filing portal declaring true and correct particulars of income and after computing 'Total Income' the refund amount, if any, will be generated after the return is processed.

CGHS & CS(MA) RULES Financial Powers

**Min of Health & Family Welfare
OM No. S.14025/24/2023-EHS
dated 15-1-2024**

Subject: Enhancement in delegation of powers to HoDs in various Ministries/ Departments for settling permission cases and post facto approval relating to referral system and medical reimbursement under CS(MA) Rules, 1944.

The undersigned is directed to refer to this Ministry's OM No. S.14025/01/2014-MS dated 05.06.2014, vide which financial powers were delegated to the Heads of Departments/ Ministries to settle all such cases where there is no relaxation of rules involved and admissibility of claim was worked out with reference to the CGHS approved rates and CS(MA) guidelines.

2. This matter regarding enhancement of delegation of financial powers to the Heads of Departments/ Ministries was under consideration in this Ministry. Now, it has been decided with the approval of competent authority to enhance the existing limit of delegation from Rs. 2 Lakhs to Rs. 5 Lakhs, to settle all cases, in line with O.M. no. S.11011/20/2014-CGHS(P)/EHSS dated 23.11.2016, where there is no relaxation of rules and the entitlement was worked with reference to prescribed rate list.

3. In respect of cases involving payment exceeding Rs. 5 Lakhs but as per the prescribed rate list, the Departments/Ministries concerned may settle such cases in consultation with their respective Internal Finance Division. Only in those cases, where the settled rules/ schemes are required to be relaxed, should the case be referred to the Ministry of Health & Family Welfare.

PENSION CUT DOES NOT AFFECT FP

Min. of Finance
F.No. 19012/26/2023-Ad.IVA
Dated the 20th of December 2023

Kindly refer to Rule 50(2) of CCS (Pension) Rules 2021 governing the amount of family pension payable to the family of deceased government servants. In this regard, doubts have been expressed on whether the penalty of pension cut would affect the quantum of family pension in case of death of retired government servant during the currency of the penalty.

2. In this connection, the nodal department, i.e., the Department of Pensions and Pensioners' Welfare has Clarified that the penalty of pension cut imposed on a

government servant under Rule 8 of CCS (Pension) Rules, 2021 is not applicable for payment of family pension. The family pension has to be paid at a uniform rate of 30% of the last basic pay, subject to a minimum of Rs 9000/- per month. However, In Case the family pensioner is entitled to enhanced family pension, the amount of enhanced family pension will not exceed the pension authorized on retirement from government service.

3. All the offices under CBIC are hence directed to bring this to the notice of all the officers dealing with pension matters for strict compliance.

4. This issues with the approval of Competent Authority.

FAMILY PENSION TO CHILDREN

DoP&PW OM No. I /1(1)/2023-P&PW (E)
Dated 01-01-2024

Subject: Amendment to CCS (Pension) Rules, 2021 — Allowing female Government servants/female Pensioner to nominate her child/children for family pension in precedence to her husband in the event of marital discord leading to filing of divorce proceedings in a Court of Law or filing of a case under Protection of Women from Domestic Violence Act or Dowry Prohibition Act or Indian Penal Code- reg.

The undersigned is directed to state that, as per the provisions of sub-rule (8) and sub-rule (9) of Rule 50 of CCS (Pension) Rules, 2021, if a deceased Government servant or pensioner is survived by a spouse, family pension is first granted to the spouse and the children and other family members become eligible for family pension on their turn, only after the spouse of the deceased Government servant/ pensioner becomes ineligible for family pension or dies.

This Department has been receiving a large number of references from Ministries/Departments, seeking advice as to whether a female Government servant/female Pensioner can be allowed to nominate her eligible child/ children for family pension in place of her spouse in the

event of marital discord leading to filing of divorce proceedings in a Court of Law or filing of a case under Protection of Women from Domestic Violence Act or Dowry Prohibition Act or under Indian Penal Code.

The matter has been examined in consultation with Ministry of Women and Child Development. Accordingly, it has been decided that in case divorce proceedings in respect of a female Government servant/female pensioner are pending in a Court of Law, or the female Government servant/female pensioner has filed a case against her husband under Protection of Women from Domestic Violence Act or Dowry Prohibition Act or under Indian Penal Code, such female Government servant/ Female Pensioner may make a request for grant of family pension after her death to her eligible child/children, in precedence to her husband and such request may be considered in the following manner:

Where, in respect of a female Government servant/female pensioner, divorce proceedings are pending in a competent Court of Law, or the female Government servant/female pensioner has filed a case against her husband under Protection of Women from Domestic Violence Act or Dowry Prohibition Act or under Indian Penal Code, the said female Government servant/female pensioner, may make a request in writing to the concerned Head of Office to the effect that, in the event of her death during the pendency of any of the aforesaid proceedings, family pension may be granted to her eligible child/children in precedence to her spouse; In the event of the death of the female Government servant/female pensioner, who had made a request under clause (a), during the pendency of any of the aforesaid proceedings, the family pension shall be disbursed in the following manner, namely:

- (i) Where the deceased female Government servant/female pensioner is survived by a widower and no child/children is eligible for family pension on the date of death of the female Government servant/female pensioner, family pension shall be payable to the widower.
- (ii) Where the deceased female Government servant/female pensioner **is survived** by a widower with a minor child/children or a

child/children suffering from disorder or disability of mind including the mentally retarded, the family pension in respect of the deceased shall be payable to the widower, provided he is the guardian of such child/children and if the widower ceases to be the guardian of such child/children, such family pension shall be payable to the child through the person *who* is the actual guardian of such child/children. *Where* the minor child, after attaining the age of majority, remains eligible for family pension, the family pension **shall** become payable to such child from the date on which he/she attains the age of majority.

- (iii) Where the deceased female Government servant/female pensioner is survived by a widower with a child/children who has/have attained the age of majority but is or are eligible for family pension, the family pension shall be payable to such child/children.

After the child/children referred to in clause (ii) and (iii) above cease to be eligible for family pension under Rule 50 of the CCS (Pension) Rules, 2021, family pension shall become payable to other child/children, if any, eligible for family pension.

After all the children cease to be eligible for family pension under Rule 50 of the CCS (Pension) Rules, 2021, family pension shall become payable to the widower till his death or remarriage, whichever is earlier. All Ministries/Departments are requested to bring the contents of this order to the notice of Controller of Account/ Pay and Accounts Officers and Attached, Subordinate Offices and Autonomous bodies under them.

In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued in consultation with Comptroller and Auditor General of India, as mandated under Article 148(5) of the Constitution of India. Formal amendment to Rule 50 of the CCS (Pension) Rules, 2021 will be notified separately.

**BSNLMRS:
No need of option every year**

BSNLCO-ADMN/45/1/2021-ADMNN
dated 2/5/2023

Ref: This office letter of even number
dated 19-6-2020.

Please refer to this office order under reference vide which certain clarifications were issued regarding reimbursement of Medical Claims of BSNL retired employees.

Representations are received in this office from some pensioners and associations that in some BAs the medical reimbursement is being denied on the pretext that the retired BSNL employee did not give his option every year. Though the orders dated 19-6-2020 are clear but in order to bring uniformity in interpretations of these orders following points are hereby clarified;

1. The retired employees need not give option every year. The option once given shall remain valid for subsequent years till it is changed by the retired employee.
2. If the retired employee has not given the option even once, the mode of his medical reimbursement shall be "With Voucher".
3. Payment of Medical Claims to the retired employees, if deemed due to non submission of option every year, may be made immediately.
4. Other points mentioned in the order under reference shall remain unchanged.

This is issued with the approval of the competent authority.

**BSNL FTTH CONNECTIONS
revised policy guidelines**

BSNLCO-ADMN/80/1/2020-ADMN
dated 19-1-2024

The Competent Authority has approved the following guidelines for FTTH services connection in cases where area is TNF or Cooper based Exchange is closed in BSNL areas only:

C. For Retired employees at Residence:

S.No.1. Category of Connection:

Executive/Non Executive who have retired from BSNL/DOT shall be given choice of fixed wireless connection or FTTH connection.

Approved Plan

Option 1

A GSM Post paid 199 plan with unlimited voice only services and an amount of Rs 2000 will be reimbursed. This reimbursement is applicable only once in a lifetime for the GSM Fixed Wireless phone.

OR

Option 2

Concessional FTTH plans priced at Rs 595 or above with as 40% concession and ceiling of Rs 300 on the concessional amount.

2. Other terms and conditions shall be governed as per existing rules and guidelines.

HOW EFFECTIVE THE NEW ORDER IS?

The Pension Department has issued a new order on the New Year day stating that a female employee/female pensioner can nominate her child/children to receive family pension ignoring her husband. [See the order published in Pages 16 & 17]

According to the CCS Pension Rule, the deceased employee/pensioner has no control on family pension as he was not required to contribute to it. There is no provision for any nomination of a person to receive family pension at the will and pleasure of the deceased employee. As such, the above order is a significant change.

But, How many will get the benefit of the new order?

The very first condition is that there should be a court case for divorce pending. Or, there should be a case filed by the concerned lady employee/pensioner against her husband for domestic violence. The intention is that the man who ill-treats his wife should not get away with the family pension after her death. So far so good. Another condition stipulated is that she can nominate a child, otherwise eligible as per the rule, to receive family pension. Can she nominate her daughter who is married and dependent on her husband? Clarification is needed. The spouse (husband) can get the family pension irrespective of his income. So the daughter, nominated by her mother, should also get family pension irrespective of her income. Anyway, as usual, the order also needs much more clarifications.

Positive aspects of the order:

1. The lady employee/pensioner can straight away nominate her unmarried/

divorced daughter to receive family pension ignoring her estranged husband. As per the existing rule, the unmarried/divorced daughter becomes eligible for family pension only after death of the husband.

2. Similarly, the mother can straight away nominate physically/mentally retarded son.

In any case, this is possible only if a court case is pending against the husband for divorce or domestic violence etc. The legal proceedings for divorce take years. Thanks to our culture and social ethics, the divorce rate in India ranks lowest among all the countries of the world. Statistics shows that only 1 out of 1000 Indian marriages end up in a divorce, in comparison to America's 50%. In US, it is 'Divorce Industry' for legal professionals. The divorce rate in Indian villages is even lower in comparison to urban India. No doubt, the cases of divorce are increasing in our society. Here also the Divorce Industry is a flourishing business. There are many reasons for it. But, number of government employee/pensioner involving in such divorce case is very negligible. Salary or Pension of a lady is her strength. She has a position in the family. Domestic violence takes place mostly against women who have no income of their own. Most of them being illiterate do not approach the Courts with Divorce Petition.

The above order may reduce number of divorce cases to a small and negligible extent only. However, it is a small step towards empowerment of women. To that extent it is welcome.

Let us wait for more clarifications on the order.

P S Ramankutty.

THERE SHALL BE NO DISCRIMINATION

On 6-2-2024 the principal bench of CAT, Delhi has passed another order that the pensioners should not be discriminated based on their date of retirement. Those who retired on or after 1-1-2006 were given pension at 50% of Last Pay Drawn if they had rendered qualifying serviced of 10 years. Whereas those who retired before 1-1-2006, were granted full pension only after rendering 33 years' service and that too based on ten months' average pay, not Last Pay Drawn. Against this discrimination an Association of senior officers in Central Govt. Service filed a case before PB of CAT with OA No 2086/18. The Hon'ble CAT disposed the case on 6-2-2024 directing the government to revise the pension of those retired before 1-1-2006 ending the discrimination. As the above mentioned pension fixation formula applied for post 1-1-2006 pensioners was extended to BSNL, BSNL retirees retired before 1-1-2006 should also get the benefit of this latest judgement of CAT. We are watching further developments. Hereunder we reproduce only extracts from the 21 pages judgement.

**O.A. No. 2086/2018 ORDER
Hon'ble Mr. Tarun Shridhar, Member (A)**

The present O.A. has been filed by the Central Government Pensioners Association comprising officers of the central government who retired in Senior Administrative Grade on or before 31.12.2005. The applicants are either in receipt of pension or in certain cases their families are in receipt of family pension. They have no grievance as far as the fixation of their pension and its revision up to the period of 5th Central Pay Commission is concerned. However, they are aggrieved that pursuant to the implementation and recommendations of the 6th Central Pay Commission, the benefit of revision of pension extended to post 01.01.2006 pensioners has not been extended to them and they are being put to continuous financial loss, in certain cases as much as Rs. 10,000/- or more per month in comparison to their counterparts who retired post 01.01.2006.

Learned counsel for the applicants places before us an order passed by a full bench of this Tribunal in O.A. No. 655/2010 along with three other associated OAs dated 01.11.2011. He submits that the order of this Tribunal has

been confirmed up to the level of the Hon'ble Apex Court. A copy of the said judgment is also attached along with the compilation of documents, which he has submitted. Learned counsel, simplifying the issue, submits that what the applicants, in fact, are seeking in the OA, is extension of the benefit of the judgement dated 01.11.2011, referred to above, which has since attained finality. Learned counsel submits that even the method of increment subsequent to retirement needs to be reviewed as the same is contrary to the rules. Continuing the arguments, learned counsel for the applicants reiterates that the issue at stake has been adequately considered, discussed and adjudicated upon vide the order dated 01.11.2011 passed in a bunch of OAs, the lead one being OA No 655/2010. Pursuant to adjudication upon this issue in the aforesaid O.A., DoP&T issued an O.M. dated 30.07.2015 bearing the subject 'Revision of pension pre-2006 pensioners - reg.'. The said O.M. is placed at page 13 of the compilation submitted by the learned counsel. He submits that this O.M. appropriately deals with the subject of revision

of pension and its appropriate fixation with respect to pre- 2006 pensioners which the present applicants are.

After extensive hearing over several days, judgment was reserved on 24.08.2023; on account of voluminous pleadings on record and the complications of comprehending the subject of the OA, it took an unreasonably long time for us to go through its contents. Accordingly, we considered it appropriate to give a brief hearing to the learned counsel once again in order to recapitulate the facts and the arguments which had been put forth before us. Therefore, OA was taken for brief hearing again under the heading 'for being spoken to'. We heard learned counsels for a short time once again.

.....

In the present matter, the concerned authorities are to be guided by the judgment of this Tribunal in OA No. 655/2010, which has been further translated into the guidelines, circulated vide the DoPT OM dated 30.07.2015 which has been reproduced verbatim above. While we have given due consideration to the contentions of the learned counsel for the respondents, and the averments made in the counter reply, we note that the DoPT OM dated 30.07.2015 categorically states that pension/family pension of all pre-2006 pensioners/family pensioners may be revised in terms of the earlier OM of the year 2013. OM dated 28.01.2013 directs as to how pension/family pension is to be revised and the OM of 30.07.2015 advises that in terms of the instructions contained therein, a further revision is to be done against the background of the order of the Tribunal passed in OA No. 655/2010.

It is imperative to mention that this order got affirmed in the Writ Petition filed before the Hon'ble High Court of Delhi; and the SLP filed in the Supreme Court challenging the order of

the Hon'ble High Court stood dismissed. Accordingly, the order had attained finality and it finds expression in the DoPT OM of 2015. Therefore, there is no cause before the respondents to now deny the claim of the applicants as expressed in the present Original Application. The principles enunciated in the judgment of the Hon'ble Apex Court in the Civil Appeal No. 10857/2016 dated 11.07.2019 titled All Manipur Pensioners Association versus State of Manipur & Ors., (2020)14 SCC 625, which has been quoted above, should put to rest any other doubts which may sustain as the principle of parity between pre and post pensioners gets elaborately explained in this judgment. If some records are missing as stated by the respondents, should the pensioners be made to suffer the consequences. Certainly not; the concerned authorities would be obliged to trace them or in the alternative reconstruct them.

In view of what has been elaborately detailed and discussed above, the present Original Application is disposed of with a direction to the respondents to pass appropriate orders, forthwith for re-fixation of the pension of the applicants, i.e. pre 1.1.2006 retirees/pensioners in the light of the order of this Tribunal in OA No.655/2010 and the subsequent directions and provisions of DoPT OM dated 30.07.2015 so that the disparity, which has been created post implementation of the Sixth Central Pay Commission, is set right. Pursuant to this re-fixation, other necessary consequential benefits as would accrue to the applicants, shall also be sanctioned and extended in the favour of the applicants. The directions passed herein shall be complied with within a period of 12 weeks from the date of receipt of a certified copy of this order.

In the facts and circumstances, there shall be no order as to costs.

Health Insurance:

CASHLESS TREATMENT

General and health insurance companies have decided to opt for 'cashless' treatment under health insurance policies across the country from Thursday.

Under the 'Cashless Everywhere' system, the policyholder can get treated in any hospital they choose, and a cashless facility will be available even if such a hospital is not in the network of the insurance company. This means the policyholder can get admitted to a hospital without paying any money and insurance companies will pay the bill on the discharge day.

The General Insurance Council, in consultation with all the general and health insurance companies, is launching the initiative. The cashless facility is currently available only at hospitals where the respective insurance company has an agreement or tie-ups. If the policyholder chooses a hospital without such an agreement, the cashless facility is not offered now, and the customer has to go for a reimbursement claim, further delaying the claim process.

Tapan Singhel, MD and CEO of Bajaj Allianz General Insurance, and Chairman of the General

Insurance Council, said, "today if you see only about 63% of customers opt for cashless claims while the others have to apply for reimbursement claims as they might be admitted to hospitals that are outside their Insurer/TPA network."

According to the council, under the 'Cashless Everywhere' system, the customer should intimate the insurance company at least 48 hours prior to the admission. "For emergency treatment, the customer should intimate the insurance company within 48 hours of admission. The claim should be admissible as per the terms of the policy and the cashless facility should be admissible as per the operating guidelines of the insurance company," it said.

"The new initiative will encourage more customers to opt for health insurance. We also see this as a step towards reducing and in the long run, eliminating fraud, which has been plaguing the industry in a big way and reducing trust in the system. Overall, it's a win-win for all the stakeholders," Singhel said.

[News in Indian Express on 26-1-2024]

A FAMILY PENSIONER GETS Rs 25 LAKH ON OUR INTERVENTION

Sri Kavuri Sreeramamurthy, Sr.AO of Hyderabad died in harness on 30-09-2007. His wife Smt. K. Rajyalakshmi was sanctioned family pension of Rs.8,300/- at an enhanced rate for 7 years and then normal FP till June 2021. From July 2021 same amount of Rs.22,744/- was paid without increased DR. On her request Sri A Sudhakara Rao OS CHQ checked the documents and found that DR was being paid at the 1st PRC rate and also that death gratuity was not revised as per 2nd PRC. On the intervention of Com. Sudhakara Rao the case was settled. After continuous pursuance with CCA by Kukatpally branch and District Secretary, HTD, the CCA has granted arrears of Rs.25,62,867/- to the family pensioner. Expressing gratitude she paid a donation of Rs 300000 to our Association.

THE FIGURES AND FACTS

P S Ramankutty

Press Release from PBI on 29-9-2005 said:

"After corporatisation of the Dept. of Telecom Services and the Dept. of Telecom Operations, around 400,000 employees were transferred on deemed deputation to BSNL and MTNL for a period up to five years. The period of deemed deputation ends on 30th September 2005. So far, Group B, C and D officers totalling about 3, 97,000 have been absorbed in these two organisations. The Group 'A' officers were given option to be absorbed in BSNL or MTNL or to revert to the Government."

On 12th June 2013, another report said:

Sources at BSNL Delhi said, "We had asked the government to support the telegraph service as it was not commercially viable and the government said the BSNL board should decide on it. We have taken a decision to close the service after consultation with the Department of Posts." The loss was said to be Rs 23 crore or so per year.

Financial Express reported on 31-5-2023:

"The Loss of BSNL has widened to Rs 8,161 crore in FY23, compared to Rs 6,982 crore of previous year.

Business Standard reports on 3-2-2024

BSNL is considering deploying 4 per cent of its 54,000 employees towards strengthening enterprise services. As things stand, 1.8 per cent of BSNL's workforce is engaged in enterprise services. The decision to increase human resources in the enterprise business comes at a time when BSNL has registered a dip in revenue in the segment in the last two quarters. BSNL's revenue from the enterprise segment declined by 50 per cent and reached

Rs 952 crore in the July-September quarter, from Rs 1,906 crore in the same January-March quarter of the financial year 2022-23, the *FE* report said citing data from the company's financial statements. In the first six months of the on-going financial year, until September, BSNL's enterprise business revenue was down 10 per cent year-on-year and reached Rs 2,007 crore, the report said.

What is the current employee strength of BSNL's enterprise business segment?

BSNL had a total of 54,113 employees across the country. However, the enterprise segment had only 1.8 per cent, or 977 employees, as of September 30, 2023. Highlighting the shortage of staff in the enterprise segment, CMD Purwar wrote in his letter, "Even some of the circles have enterprise business staff strength less than the BSNL average that is 1.8%. Such a scenario may be detrimental in achieving the desired results in the enterprise business segment."

As on 31, July 2023:

According to an official data released by BSNL, the total staff strength of the PSU was 59090 as on 31-7-2023. 29574 Executives and 29516 Non Executives. By 30, September 2023 it is reduced to 54113.

CAG report says:

In 1999, as part of opening of the Sector and in pursuance of New Telecom Policy 1999, two new departments viz. Department of Telecommunications Operations (DTO) and Department of Telecom Services (DTS) (Service Provider) were carved out from DOT for providing telecom services in the country. In

September 2000, the functions of DTO and DTS were entrusted to a Public Sector undertaking BSNL, which became the biggest telecom service provider company.

FEW PEOPLE TO WORK, MORE TO CONTROL

Around 1560 ITS officers were working in BSNL/ MTNL in 2000-2001 as DOT officers. 260 ITS officers were working in DoT Units also. (*ITS Association statement*). Total 1820.

The seniority list published by DoT on 2-2-2018 says that there were 1582 HAG/SAG officers.

The seniority list published by DoT on 29-6-2022 says that there were 1126 ITS officers in DoT.
3 in HAG+ (Pay scale Rs. 205400-224400)
23 in HAG (Pay scale Rs. 182100-224100)
1100 in SAG Scale of Rs.144200- 218200)

NO PROBLEM, NO DELAY FOR THEIR PROMOTIONS.

According to DoT Website, during the first half of February 2024 itself, 193 ITS officers were upgraded to Level 15, another 83 ITS officers were upgraded to level 13, 3 senior officers in Civil Wing and 6 in Accounts stream also were upgraded.

Upgradation means higher pension after retirement and regular pension revision as Central Government officers .

The group C and D employees in P&T in general was a discontent lot always. They are bright students who came out of examinations with flying colours. They become disappointed soon on joining the service to see that their knowledge has no use in daily routine work. They had to do the monotonous work for three decades or more without any promotion. While senior officers manage to get 4 or 5 promotions. Naturally this discontentment leads to agitations.

With formation of BSNL, DoT was relieved of the daunting task of managing this huge discontent manpower. When BSNL was formed in 2000, there were 324 lakh land phone connections. Now it is reduced to 73.1 lakh, under BSNL network. Management of this wide network was also got rid of by DoT.

DoT has only administrative control work now. Still, Sanchar Bhavan remains a barrack of a huge army of managers. Staff strength in BSNL, the service provider, is reduced by 90 present, the number of controllers in DoT is reduced by hardly 38 present. **That is Sanchar Bhavan magic.** It reminds the old saying: *"Nero fiddled while Rome burnt"*.

- **In 2000 October, when BSNL was formed, 397000 DoT Staff (Executives and Non Executives) joined BSNL. ITS officers did not join. However, after some time some of them opted for BSNL. So, in 2000-2001 the staff strength in BSNL was around 4 lakhs.**

- **As on 31-7-2023 it was 59090. It is reduced to 54113 as on 30-9-2023. Within a short period of two months 5000 people retired. All are absorbed employees. About 10000 people may retire every year. By 2026, there may be a total of 30,000 people in BSNL, almost all direct recruits.**

Direct Recruits have their own pension system. Pay revision in BSNL (if at all it takes place) will not have any impact on their pension revision.

It cannot be compared with our pension scheme.

1.38 CRORE DLC's GENERATED

All Pension Disbursing Authorities to adopt a 100% Saturation Approach for submission of Digital Life Certificate by Central Government Pensioners

1.38crore DLC's generated, including 43.19 lakh DLC's for Central Government Pensioners as of end December 2024.

7 lakh pensioners identified in Exception List to be contacted by Banks, Pensioners' Welfare Associations and CGDA for renewal of DLCs under 100% Saturation Approach

The Department of Pension and Pensioners' Welfare in collaboration with Pension Disbursing Banks, Ministries/ Departments, Pensioners' Welfare Associations, UIDAI, MeitY conducted the Nationwide DLC Campaign 2.0 from November 1-30, 2023 at 602 locations in 100 cities across India. During the DLC Campaign 2.0, Face Authentication Technology was widely used to generate DLCs, reducing wait times significantly.

To ensure that all pensioners are enabled to submit their Life Certificates with ease, directions were issued to all the Pension Disbursing Authorities to generate Exception List from updated DLC status of all pensioners and to adopt a 100% Saturation Approach so that the remaining pensioners may be approached through various means for submitting their Life Certificate. Pensioners who are not able to use DLC themselves and unable to move are to be reached out through Doorstep Banking or deputing officials. Resultantly, as on date, total 1.38 crore DLCs have been generated of which 43.19 lakh DLCs are of Central Government Pensioners.

With a view to further ensure that all remaining pensioners submit their Digital Life Certificates to avoid discontinuation of their pension, a review meeting was taken by Shri V. Srinivas, Secretary (P&PW) with Pension Disbursing Authorities to discuss the way forward for achieving this target. During the meeting, Secretary (P&PW) requested all Pension Disbursing Authorities like Banks, Ministry of Communication and Defence to generate Exception List on regular basis and takes steps to make pensioners aware about Face Authentication DLC and ensure 100% submission of life certificate of pensioners.

58 Pensioners' Welfare Associations were also requested to reach out to all their members in Exception List to ensure timely updation of DLC. Secretary (P&PW) also commended all Banks and Pensioners' Welfare Associations on their outstanding work under the DLC Campaign 2.0, resulting in the highest ever number of DLCs/ Face Authentication users, being generated in 2023-24. The DLC Campaign 2.0 ends on March 31, 2024 and the Department has sought support from all the stakeholders.



WHO IS SUPREME? SUPREME COURT OR THE GOVT. SECRETARY?

In central government service, since 1/1/2006, the annual increment is granted from 1st January and 1st July every year. If the next Increment of an employee is due any time during January - June of the year, he/she gets the increment from January. Similarly, if the DNI is during July-December he gets the increment from 1st July. It was a welcome change. If he attains the age of 60 and retires from service with effect from the afternoon of 30th June his pension is fixed without taking that increment due from July. In fact, he earns that increment for the good service rendered for one year from July of the previous year up to 30th June of the current year. One Shri P Ayyamperumal who retired as Additional Director General of Central Customs & Excise, on 30th June 2013 approached CAT Chennai with a prayer that he should be treated as retired from 1-7-2013 granting the benefit of one increment due on that day. CAT pronounced a judgement in his favour on **21-3-2017**. Central Excise department filed an appeal in Madras High Court against the CAT order. Mr. Ayyamperumal appeared himself in person before the HC and argued his case. The High Court upheld the order of CAT. But the Department did not honour the High Court order too. They went to Supreme Court with appeal. The appeal was rejected. Then Mr. Perumal was given the benefit. Others in similar situation were not given. Many others filed cases in different High Courts. Different Courts gave divergent judgements. Taking advantage of it the authorities refused to issue a general order.

On 11-4-2023, the Supreme Court (Justice M R Shah and Justice C T Ravikumar) in CA 2471/

23 pronounced a very clear judgement in a similar case that such increments due from July and January should be taken into account for fixing pension of such employees who retired on 30th June and 31st December.

In spite of such a clear judgement from the Apex Court, the bureaucrats refuse to issue a general order honouring the judgement. ***They are under process of consultation!*** On 15th January 2024 the Department of Pension has issued a clarification that said benefit of the court order need not be granted to pensioners now because the process of consultation will take some more time. But, three days after, on 18th January 2024, the Controller General of Audit and Accounts has issued an instruction (not an open general order) that the benefit may be granted to their employees/pensioners, only to those who retired after 11-4-2023. It is still more damaging. What is relevance of this date?

Supreme Court delivered its judgement on that day. That is not the first time Hon. Supreme Court gives similar decision on the issue. On 23rd July 2018, Supreme Court dismissed a Special Leave Petition from the Government field against the Madras High Court judgement dated 15-9-2017 in the Write Petition No. 15732/17 filed by Sri P Ayyam Perumal. Government then filed a Review Petition No. 1731/2019. Supreme Court again dismissed the said RP on 8-8-2019.

There should not be any cut off date for granting the benefit. All pensioners retired after 1-1-2006 and suffering the injury, mentioned above,

should be granted the benefit. If at all a cut off date is essential, it should have been 21-3-2017 on which date the CAT Madras gave the decision. Some seniors went to the Court, fought the case and won it. The C&AG wants to punish these seniors who approached the Court of Law for justice. Same time, some others who did not file the case will get the benefit. It is nothing but sheer mockery of justice.

Audit Department is ready to give the benefit with some conditions. Other departments are prevented from giving same benefit. What is the value of Supreme Court order? Who is supreme? The Judges or the Govt Secretaries?

BRIEF

1 Apex Court allows grant of one annual increment which employees earn one day prior to their retirement on attaining the age of superannuation (Ref: The Supreme Court Judgement, Civil Appeal No. 2471 of 2023 (@ SLP (C) No. 6185/2020)

The Supreme Court gave the judgement in complete agreement with the Karnataka High Court's Division Bench which has rightly directed the appellants (Karnataka Power Transmission Corporation Limited-KPTCL) to grant one annual increment which the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behaviour and efficiently.

2. Reasons for eligibility for increment

a) Employees who earned the annual increment for rendering one year service prior to their retirement cannot be denied the benefit of the annual increment which they actually earned, solely on the ground that they retired on attaining the age of superannuation on the very next day.

b) An increment may be withheld from an employee by the competent authority, if his conduct has not been good, or his work has not been satisfactory.

c) Once an employee has earned the increment on completing one year service he cannot be denied the benefit of annual increment on his attaining the age of superannuation on the very next day.

d) The argument that annual increment is in the form of incentive and to encourage an employee to perform well and therefore, once he is not in service, there is no question of grant of annual increment is concerned, has no substance. It is to be noted that increment is earned on one year past service rendered in a time scale.

e) Increments are given annually to officers with good conduct unless such increments are withheld as a measure of punishment or linked with efficiency.

f) The central government servant retiring on 30th June has already completed a year of service and the increment has been earned provided his conduct was good. It would thus be wholly arbitrary if the increment earned by the government employee on the basis of his good conduct for a year is denied only on the ground that he was not in employment on the succeeding day when increment became payable.

3. The SC considered divergent High courts Judgements against grant of increment -

The Supreme Court do not approve the view taken by the

a) Full Bench of the Andhra Pradesh High Court in the case of Principal Accountant General, AP Vs. C Subba Rao.

• b) The Kerala High Court in the case of Union of India Vs. Pavithran (O.P.(CAT) No.111/2020 decided on 22.11.2022) and

• c) The Himachal Pradesh High Court in the case of Hari Prakash Vs. State of HP & Ors. (CWP No. 2503/2016 decided on 06.11.2020).

4. The Supreme Court in its judgement has given the following points

◆ It would lead to arbitrariness denying a government servant the benefit of annual increment which he has already earned while rendering specified period of service with good conduct and efficiently in the last preceding year. It would be punishing a person for no fault of him.

◆ The increment can be withheld only by way of punishment or he has not performed the duty efficiently. Any interpretation which would lead to arbitrariness and/or unreasonableness should be avoided.

◆ It would tantamount to denying a government servant the annual increment which he has earned for the services he has rendered over a year subject to his good behaviour. The entitlement to receive increment therefore crystallizes when the government servant completes requisite length of service with good conduct and becomes payable on the succeeding day.

◆ Any contrary view would lead to arbitrariness and unreasonableness and denying a government servant legitimate one annual increment though he is entitled to for rendering the services over a year with good behaviour and efficiently and therefore, such a narrow interpretation should be avoided.

◆ The Supreme Court is in complete agreement with the view taken by the Madras High Court in the case of P. Ayyamperumal and the decisions of following High Courts.

i. The Delhi High Court in the case of Gopal Singh Vs. Union of India and Ors. (Writ Petition (C) No. 10509/2019 decided on 23.01.2020).

ii. The Allahabad High Court in the case of Nand Vijay Singh and Ors. Vs. Union of India and Ors. (Writ A No. 13299/2020 decided on 29.06.2021).

iii. The MP High Court in the case of Yogendra Singh Bhadauria and Ors. Vs. State of MP.

iv. The Orissa High Court in the case of AFR Arun Kumar Biswal Vs. State of Odisha and Anr. (Writ Petition No. 17715/2020 decided on 30.07.2021) and

v. the Gujarat High Court in the case of State of Gujarat Vs. Takhtsinh Udesinh Songara (Letters Patent Appeal No. 868/2021)

The Supreme is in complete agreement with the Division Bench of the Karnataka High Court which has rightly directed to grant one annual increment to the original writ petitioners earned on the last day of their service for rendering their services preceding one year from the date of retirement with good behaviour and efficiently.

All Manipur Pensioners' Association filed a case in 2002 against discrimination of pensioners who retired before 1-1-1996. CAT gave a favourable judgement to them. Government of Manipur filed appeal in High Court. Single Bench of HC also gave decision favourable to pensioners. Govt of Manipur filed appeal before Division Bench. Division Bench decision was in favour of government. Then Association filed Appeal in Supreme Court in 2016. Finally on 11-7-2019, the Supreme Court in CA 10857/2016 held that all the pensioners, irrespective of their date of retirement, viz., pre-1996 retirees shall be entitled to revision in pension at par with those pensioners who retired post-1996. The Pensioners had to fight the legal battle for 17 years. This is the system in our country. And, we have won the case within two and a half years.

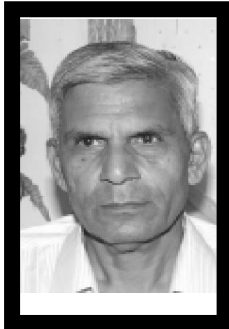
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PENSIONERS' PATRIKA

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I, T S Vittoban, hereby declare that the particulars given above are true to the best of my knowledge and belief.

02-03-2024

Sd/-
T S Vittoban



We are very sad to report the demise of Shri SC Chourashia, former District Secretary of Ajmer, Rajasthan on 20-01-2024. He was an energetic, efficient leader of BSNL pensioners in Rajasthan. Under his able stewardship, the Ajmer Unit recorded tremendous improvement in the membership and qualitative functioning of our Association in the SSA. We convey our deepest condolences to the bereaved family and his friends.



Trivandrum joins the Golden Group

Our Trivandrum SSA unit also has crossed the membership of 1000 life members. The SSA Unit has nine branches. Recently the District Branch has launched a Welfare Fund to help Members in dire need of financial assistance due to illness. CHQ congratulates Com. K Ravindran, the DS and others leaders.

MARCH 8: INTERNATIONAL WOMEN'S DAY



The Day is observed world over for a century or more. In India too, it is observed by different organizations in different ways. The social situation in our country is quite different from others.

It is reported that there are 5.5 million widows in India. 55 lakhs !! No other country on this earth has this type of a gigantic human problem. In Vrindavan, the city of widows alone, around 20000 widows live in shelters. It is also reported that majority of these Vrindavan widows belong to West Bengal. Some of these shelters are run by the Government now. Better facilities are available for the inmates in such shelters. Other private organizations, the charitable societies who run the ashrams for widows, are doing a great service. They face many a problems, financial being the most crucial.

It is not mere shelter, food or clothes that the widows need. They need the compassion and empathy from their families, from the society, not sympathy alone. In 2013, the Meera Sahavahini Ashram of Mathura and Sulabh India organized the Holi festival participating these widows. What a great relief it was for them!!

If you venture to study the lives of these widows, you may find sometimes that some of them are eligible for family pension as their deceased husbands were government employees. These women are not aware of their rights. Their families may not be aware of the rules. In certain cases the families have thrown these widows to the streets of Vrindavan and claimed the family pension for some other family member. Anything can happen in our society.

I had the occasion to take up cases of many widows and settle their family pension claims. I have confronted with such inhuman attitude by the family members. At national level we cannot take up such a stupendous task. But, in each SSA, when some pensioner dies our active comrades should enquire about their families and ascertain if somebody is entitled to family pension or not as per existing rules. Our SSA units can form small teams of active comrades who know the rules and who are willing to take up the task. If it is done it is a noble virtue. The problem is more in North compared to the South; may be because in the southern part of our country, the widows remain with the families after demise of their husbands. So, more cases of family pension were brought to our notice from the southern circles.

While we observe the International Women's Day it should not be left to the women alone. Everyone in the society has a responsibility to uplift the hapless widows thrown to the vagaries of customs and traditions being followed for centuries.

P S Ramankutty

WELFARE ASSOCIATION: WELFARE ACTIVITIES

Some of our branches in AP, Telangana, Karnataka & Tamilnadu organized charity on the Pensioners' Day 2023.



PENSIONERS PATRIKA

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