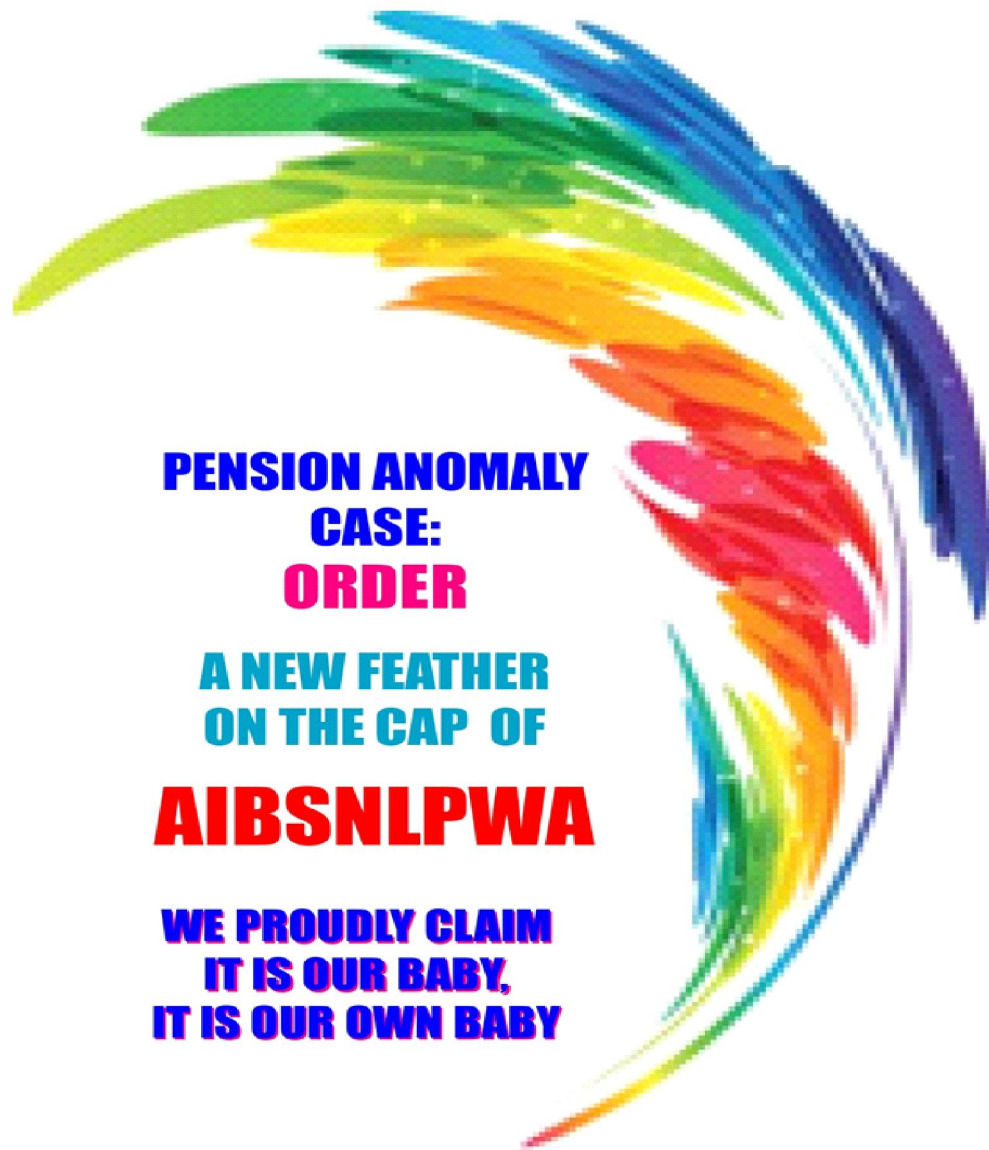


AIBSNLPWA
E Journal 15

November-December
2021

PENSIONERS' PATRIKA



**PENSION ANOMALY
CASE:
ORDER**

**A NEW FEATHER
ON THE CAP OF**

AIBSNLPWA

**WE PROUDLY CLAIM
IT IS OUR BABY,
IT IS OUR OWN BABY**

HE HAS DONE IT.

**SHRI K RAJARAMAN IAS
TOOK OVER CHARGE AS
THE SECRETARY, TELECOM
ON 1-10-2021.**




**2-10-21 WAS A HOLIDAY; GANDHI JAYANTHI
3-10-21 WAS A HOLIDAY; SUNDAY**

**ON HIS FOURTH WORKING DAY IN NEW OFFICE
SHRI RAJARAMAN CLEARED NUMBER OF FILES.
ONE WAS ON PENSION ANOMALY CASE.**

**THOUSANDS OF ELDERLY PERSONS WERE
ANXIOUSLY AWAITING THIS ACTION.**

**WE APPRECIATE THE QUICK ACTION.
WE HAIL THIS IMMEDIATE ACTION**


**P. Gangadhara Rao, **
General Secretary.**

WHEN DECEMBER 17 ARRIVES AGAIN

17, December every year is an occasion to the pensioners in India to remember and pay respectful tributes to the memory of Late Mr. D S Nakara, Late Mr. H D Shourie and the five eminent judges of our Apex Court who delivered the land mark judgement on 17th December 1982. Much water has flown under the bridge since 1982; the Pension Rules have changed, the Labour laws have changed, the political situation has undergone many a changes, and the judiciary also has changed, rather decayed much. None else, his Excellency the President of India himself expressed serious concern over the heavy delay on Indian Judicial Delivery system. Late Shri Arun Jaitley, a seasoned parliamentarian and learned legal luminary in the country bluntly told in a debate that *"Post retirement benefits influence the pre retirement decisions from the Benches very often"*. Nobody could charge him with Contempt of Court because he was talking in the protected fortress of Parliament. Any amount of criticism notwithstanding, the system does not change. Bureaucrats have no respect for judiciary. By delaying action and sitting tight on the files for years, they can flout any judicial pronouncement. This game can be changed if judiciary plays its proper role of a referee showing cards, yellow or red. We have few good referees in our country.

Majority of employees do not understand the value of pension when they are in service. It is, rather, a self criticism. When we were in service we did not look at the plight of our senior coworkers who had gone out. Let me admit frankly that during my service of 40 years and my trade union life spreading to an almost equal period I had not come across a call to observe 17, December or to remember Mr. Nakara. I admit that during my stay in New Delhi for 15 years I did not know that this gentleman Mr. Nakara was living in that city; may be because he was not a trade union leader or a left-minded fighter. Therefore we have no moral right to raise our pointing finger to the serving staff and their unions for their not-so-helpful attitude towards pensioners. We were busy with our service matters, our rights and our fights. So also the present generation of serving employees.

Now the Indian Telecom Industry is facing unprecedented threats from all corners. This strategic area is thrown open for 100% FDI. The present ruling party has conveniently forgotten its own opposition in 2013 when the then Manmohan Singh Government proposed raising of FDI cap in Telecom from 74% to 100%. That is politics, marriage of convenience. Principles have no value. With all these experiences, let us observe this 17, December in a different manner. Let us hold meetings keeping the Covid protocol, discuss the issues concerning pensioners, our achievements, our problems, the serious issues concerning the Indian Telecom industry, the very existence of BSNL and move resolutions as directed by our General Secretary on the 'DAY'.

THERE IS DARKNESS AROUND AND AHEAD. IT IS NOT THE TIME TO TAKE REST.

.... P S Ramankutty, Editor



GS WRITES

Dear Friends,

This issue of Patrika is also coming to you as EJournal. We hope that we can resume printing the journal and send to you by post from the next issue, January-February 2022.

CONFERENCES:

Due to the grave situation created by corona virus from March 2020 onwards CHQ had called upon all our Circle and District/Branch units to postpone their biannual conferences. Now situation has improved a lot in North India. But the situation in South Indian Circles still causes some anxiety for us. Therefore CHQ calls upon all units to hold their conferences, wherever possible.

[Please see the Special Circular dt. 26-9-2021, published in Page 6 of this journal.]

It would be better if District/Branch conferences are held on 17th December 2021, the Pensioners' Day.

PENSIONERS' DAY 2021:

We have been observing 17th December every year as Pensioners Day, the day on which Supreme Court of India pronounced the landmark judgement in 'Nakara Case'. In AP Circle, some of our units used to organize charity work on the day. This year we should observe Pensioners' Day in a different way. No doubt, we should pay tributes to the memory of late Shri Nakara who was

instrumental for getting the historic judgement bringing relief, self respect and happiness to lakhs of pensioners in our country. But, we BSNL and MTNL pensioners have some other urgent problems. We should bring these problems to the new Minister and the new Secretary, Telecom. On 17th December 2021 all Units may hold meetings, adopt suitable resolutions and send them by post without delay to the Honourable Minister for Communications and the Secretary, Telecom.

The resolutions should be:

1. Request to revise the Pension of all BSNL/MTNL retirees with 7th CPC fitment benefits, without depending upon financial condition of the PSEs and independent of wage revision in the PSEs.
2. Request the Government to release and refund the frozen IDA to all BSNL/MTNL retirees.
3. Request to ensure issuance of order on IDA every three months in future, as was being done in the past.
4. Ensure immediate reimbursement of all pending bills from BSNL retirees under BSNLMRS.
5. Ensure immediate payment of the quarterly allowance under BSNLMRS, pending since April 2018, to all BSNL Retirees who opted for the same.
6. Repeal the decision to lift cap on FDI in Telecom.

ALL PENSIONERS, INCLUDING FAMILY PENSIONERS,
MUST SUBMIT THE LIFE CERTIFICATE BEFORE 30-11-2021

AN APPEAL TO BENEFICIARIES

Dear Comrades,


On 7th of this month, after seeing the order on Pension Anomaly by Dept of Telecom, we posted in our [Whatsapp](#) Groups an Appeal to Beneficiaries of the order to donate liberally to CHQ. We did not specify any rate. Some CWC members expressed different views about collecting donation by CHQ directly. Some others feel that as Circle or SSA units have not spent any amount on the case and CHQ has met the entire expenditure it is quite appropriate for CHQ to collect donations from the beneficiaries directly and re-coupe the amount to CHQ Fund. One of the Applicants in the case, [Com. M S Muthukrishnan](#) of Chennai TD Circle suggests that CHQ should ask for donation @ 2% of the arrears. Many other beneficiaries too concurred with his suggestion. Some comrades have offered much more than that. We have experiences in the past, when only few District Units responded to the Calls for Donations. In the instant case, all the beneficiaries alive are above the age of 80 years. Most of the District Secretaries have not yet taken any initiative to reach out to them.

Our foremost intention is to make good of the expenditure for these six cases on Pension Anomaly. Considering all the views CHQ decides as:

1. Beneficiaries are requested to donate liberally, but not less than 2% of the arrears amount received.
2. [District Units may collect](#) the donation from the beneficiaries in their SSAs. The amount so collected shall be remitted [to CHQ in full](#). Wherever it is not done, the Beneficiaries may remit the donation directly to the CHQ.
3. CHQ shall issue Receipts for all such donations received.
4. After all donations are received, we shall account an amount of Rs. FIVE lakhs in CHQ Fund, being the expenditure met from CHQ Fund for the cases.
5. The remaining amount will be shared by CHQ, with the respective SSA Units, who have collected and remitted Donations, and the Circle Unit.
6. The ratio of sharing will be announced after assessing total receipts towards donation.

SSA Units and Beneficiaries are requested to remit the donations on-line to [AIBSNLPWA \(CHQ\)](#), [SB A/c No 67100927818](#); Bank: State Bank of India, Branch: Chennai Nandambakkam. IFSC of the Branch: [SBIN0002239](#). Immediately after transferring the amount please send an SMS or Whatsapp message to our Treasurer Shri T S Vittoban over his phone: [9444923732](#) intimating your full postal address so that he can send the Receipt to you.

With Greetings,


P. Gangadhara Rao, ..
General Secretary.



ALL INDIA BSNL PENSIONERS' WELFARE ASSOCIATION

Central Head Quarters

Org-2021/Cfce-1

Dated 26-9-2021

SPECIAL CIRCULAR ON CONFERENCES

To All Circle Secretaries, District Secretaries & Branch Secretaries

Dear Comrades,

As per Art. 14 of the Constitution of AIBSNLPWA, the All India Conference has to be held once in three years; CWC has to meet once in an year; Circle Conference has to be held once in two years; Election of District Office-Bearers also has to be held once in two years. We have been doing it, except few cases, as per the above provisions in our Constitution. Our Association was formed in 2009. First AIC was held in 2012, second in 2015 and third in 2018. Despite all practical difficulties we could do it.

But, as all are aware, the coronavirus has affected functioning of our Association like any other organization in the country. We had to abandon our notified meeting of CWC at Gorakhpur. AIC was due in 2021. Even Visakhapatnam comrades have agreed to host it. But the corona virus has forced us to postpone all conferences.

All Circle conferences are due now. CHQ permitted to postpone circle and district conferences in view of the grave situation prevailing all over the country. Now it is reported that situation has improved in many states, especially in North India. Situation in South India still causes some anxiety to us.

In the changed situation, to strengthen the organization we have to revert to our effective democratic functioning as early as possible, of course, keeping the caution of Covid 19 EXPERTS about third wave in mind. Hence CHQ calls upon all Branches/District/Circle Units to hold their conferences, wherever possible, strictly following the COVID protocols and conduct election of office bearers keeping our tradition. We cannot lockdown ourselves for long. It is high time to induct fresh blood to move ahead effectively. It is possible as good number of younger retirees, who availed VRS, have joined us. CHQ is anxious to hold the AIC at the earliest possible.

CHQ calls upon all Branches/District/Circle Units to hold meetings of their working committees immediately and take suitable decisions regarding conferences, with due intimation to CHQ.

Yours fraternally,


P. Gangadhara Rao,
General Secretary.

PS. CHQ President or GS or other Office Bearers may not be able to attend the Circle conferences in the present situation. Hence Circle Secretaries are requested to ensure participation of CHQ office-bearers of the Circle or nearby Circles.

OUR GRATITUDE

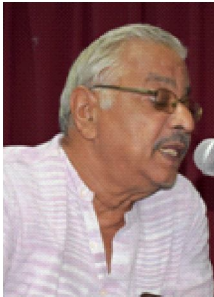
We record our sincere thanks to the lawyers; S/Shri. Naresh Kaushik, Ranvir Singh and V K Sharma who appeared in the Courts on our behalf;



We acknowledge with thanks efforts made by late Com. Chhidu Singh, former Dy. GS in arranging the lawyers, meeting the officers and pursuing the case;



We acknowledge with thanks the efforts by Com. R L Kapoor, our Legal Committee member and Com. Anupam Kaul, our AGS in New Delhi;



We acknowledge and appreciate the relentless efforts made by Com. D Gopalakrishnan, our Vice President, in collecting relevant information, preparing all documents for the case - running to about 300 pages - discussing the details with lawyers, coordinating the work with our CHQ and Delhi Comrades. But for his efforts with missionary zeal it would not have been possible to achieve this great victory.



Last but not the least, we acknowledge the prompt action by new Secretary Telecom, Sh. K Rajaraman IAS.


P. Gangadhara Rao, ..
General Secretary.

ALL PENSIONERS, INCLUDING FAMILY PENSIONERS,
MUST SUBMIT THE LIFE CERTIFICATE BEFORE 30-11-2021



ALL INDIA BSNL PENSIONERS' WELFARE ASSOCIATION

Central Head Quarters

Website: www.bsnlpensioner.in

President: P S Ramankutty

Phone: 9447551555

eMail: bsnlpensioner@gmail.com

General Secretary: P Gangadhara Rao

Phone: 9448088404

RELEASE IDA

Email dated 30-9-

2021

To
Smt. Nirmala Sitaraman,
Hon'ble Minister for Finance,
Govt. of India, New Delhi.

Respected Madam,

1. I am compelled to bring the following matter to your personal notice for immediate remedial action.
2. Our Association, AIBSNLPWA, is the largest organization of Telecom pensioners including BSNL retirees, representing about a lakh of them.
3. Those who retired from Department of Telecom, before 1-10-2000, are entitled to pension with CDA. Whereas those retired from BSNL, on or after 1-10-2000, are entitled to pension with IDA, as specified by the Department of Public Enterprises from time to time.
4. Recently the Government has released the frozen part of CDA with effect from July 2021. Those who retired from Department of Telecom are paid the pension with CDA @28% of the basic pension, a rate which was applicable for the period of January-June 2021. As per the AICPI(IW), officially announced by the Labour Bureau of India, all central government employees and pensioners are entitled to get CDA @31% from July 2021. The increase of 3% from 28% to 31% is not yet granted even after three months.
5. For the last 15 years the Cabinet used to accord its approval in the month of August for revision of CDA rate effective from July and the Department of Expenditure used to issue orders in first week of September. Hence we are not aware of the reason for the unusual delay.

... To P 2

6. In the case of BSNL retirees, covered by CCS Pension Rule 1972, the Government had frozen their IDA at 159.9% till June 2021. They were entitled to IDA of 170.5% of their Basic Pension from April 2021 to June 2021. It was released from July 2021. But they are not yet granted the IDA of 173.6% entitled by them, from July 2021, as per the calculations based on AICPI(IW), officially released by Labour Bureau of India.

7. During the last one decade, the Department of Public Enterprises under Ministry of Heavy Industries, used to declare rate of IDA to the employees and retirees of PSEs. But, presumably due to the changes effected recently, DPE has not yet declared the rate of IDA due from July 2021.

8. We understand that the DPE is waiting for your approval of the File in this regard.

9. Another revision of IDA is due from tomorrow, 1st October 2021. Normally DPE used to declare the rate in first week of October and the employees and pensioners get the revised rate of IDA in the same month itself. Next revision of CDA is due from January 2022 only. DPE need not wait for the CDA revision to announce the rate of IDA every three months. Both are not linked.

10. We fear that since the enhanced rate of IDA due from July 2021 is not yet announced there will be delay in announcing the revised rate of IDA from October 2021 also.

11. More than a crore of central government employees and pensioners were waiting for the release of order by DOE on revision of CDA from July 2021. Similarly, lakhs of serving staff and retirees were also anxiously waiting for the formal announcement of rate of IDA by DPE. They are all totally frustrated over the undue delay.

12. We hereby convey the concern of crores of people over the very unusual and undue delay in this regard.

13. May we request you, Madam, to direct the Secretary, DOE to issue necessary orders for revising the CDA w.e.f. 1-7-2021 and also direct the Secretary, DPE to issue orders specifying the rate of IDA due from July 2021 and October 2021 as they have been doing earlier without waiting for the approval of Cabinet or the Department of Expenditure.

Yours Faithfully,


P. Gangadhara Rao,
General Secretary.

DELAYED IDA ORDERS ISSUED ON 27-10-2021

DPE OM No. W-02/0002/2014-DPE(WC)-GL-XIII/2021 dated 27-10-2021

Subject:- Board level and below Board level posts including Non-unionised supervisors in Central Public Sector Enterprises (CPSEs)- Revision of scales of pay w.e.f. 01.01.2007 — Payment of IDA at revised rates-regarding.

The undersigned is directed to refer to the para 6 and Annexure-11 (B) of DPE's OM dated 26.11.2008 wherein the rates of DA payable to the Board level and below Board level executives and non-unionized supervisors of CPSEs have been indicated. The rates of DA payable to the executives and non-unionized supervisors of CPSEs are as follows:-

- (a) DA Rate 173.8% due and payable from 01.07.2021
- (b) DA Rate 179.3% payable from 01.10.2021

2. Accordingly, the rate of DA 170.5% notified vide OM No. W-02/0002/2014-GL-III/21, dated 02.08.2021, which was taken based on the rate due from 01.04.2021, has been superseded by enhanced DA rate 173.8% payable from 01.07.2021.

3. The above rates of DA i.e. 173.8% and 179.3% would be applicable in the case of IDA employees who have been allowed revised pay scales (2007) as per DPE O.Ms. dated 26.11.2008, 09.02.2009 & 02.04.2009.

4. All administrative Ministries/Departments of the Government of India are requested to bring the foregoing to the notice of the CPSEs under their administrative control for necessary action at their end.

5. this issues with the approval of the Competent Authority.

IN THE PAST

IDA from April 2019: DPE Order issued on 4-04-2019
IDA from July 2019: DPE Order issued on 4-07-2019
IDA from Oct. 2019: DPE Order issued on 7-10-2019
IDA from Jan. 2020: DPE Order issued on 3-01-2020
IDA from April 2020: DPE Order issued on 3-04-2020
IDA from July 2020: DPE Order issued on 19-8-2020

FROZEN IDA TO BE PAID TO BSNL NON -EXECUTIVE STAFF

OM F.No.BSNLCO-A/11(18)/1/2020-ESTAB Dated 27-10-2021

In continuation of this office OM of even number dated 05-08-2021 regarding increased in IDA from 159.9% to 170.5% w e f 01-07-2021 the undersigned is directed to convey the approval of the competent authority to pay IDA at revised rates from 01-10-2020 up to 30-06-2021 as per the rates mentioned in the Annexure of DPE OM No. W-02/0002/2014-DPE(WC)-GL-III/2021 dated 02-08-2021 i.e. 165.4% w e f 01-10-2020, 171.7% w e f 01-01-2021 and 170.5% w.e.f. 01-04-2021 to the Non-executive employees of BSNL including industrial workers who are drawing pay in the revised IDA pay scales w.e.f. 01-01-2007 .

2. The above payment will be made based on fund availability.

FROZEN IDA and PENSIONERS

BSNL corporate office released order on 27/10/2021 granting frozen IDA from 1/10/2000 to 30/6/2021 to non-executive employees. After seeing this order some members started asking queries about the impact of this order on pensioners. CHQ would like to clarify the following:-

1. One should understand that citing covid-19 crisis, DPE issued OM dated 19/11/2020 freezing IDA from 1/10/2020 to 30/6/2021 freezing IDA to Executives & Non-unionised supervisors of CPSEs. It is obvious that the IDA for non-executives are not to be frozen. But unfortunately some CPSEs including BSNL froze the IDA even to non-executive employees.
2. By issuing 27th October 2021 order, BSNL C.O has corrected the wrong thing.
3. But, the serving Executives of BSNL are not eligible to get the frozen IDA.
4. In the case of absorbed BSNL retirees, pension including Dearness Relief is paid by Central Government and not by BSNL. So, this order will not have any effect on us.
5. The Central Government has not granted the frozen DA or DR to its employees and pensioners. If that is done, we have a similar claim.

This is for the kind information of our members.

P.Gangadhara Rao
General Secretary

27-10-2021

Contempt Case:

PENSION ANOMALY CASE:

DOT ORDER

DoT No.38-16/2014-Pen (T) dated 07-10-2021

To 1. All CCAs, DoT 2. Director of Postal Accounts Sub:

Sub: Implementation of the order dated 16. 12.2016 of the Hon' ble CAT (PB), New Delhi in OA No.2173/2014 in the matter of All India BSNL Pensioners ' Welfare Association & Ors. Vs. UOI & Ors.

It is intimated that [All India BSNL Pensioners' Welfare Association \(AIBSNLPWA\)](#) raised the issue of anomaly in pension of the absorbed BSNL employees, who retired within 10 months of the effective date of absorption i.e. 01-10-2000. Pension of these absorbed employees of BSNL was to be calculated on the basis of average emoluments of their last 10 months before retirement - some period of which (prior to 01.10.2000) fell under CDA and the remaining period fell under IDA. Pay Scales in CDA was less than that of in IDA Pay Scales. The Dearness Relief in such cases was to be allowed on IDA rates, which is less than DR rates under CDA. Thus, these absorbees got pension based on average emoluments which included an element of CDA whereas the DR on pension is allowed on the basis of IDA resulting in an anomalous situation where these pensioners got less pension.

2. It has been decided with the approval of the competent authority to implement the order dated 16.12.2016 of the Hon'ble CAT (PB), New Delhi in OA No.2173/2014 in the matter of [AIBSNLPWA](#) & Ors. Vs. UOI & Ors, on dismissal of WP(C) No.10019/2017 of DOT by the Hon'ble Delhi High Court, vide judgment dated 24.01.2020, thereby removing anomaly in pension of the absorbed BSNL employees retired within the period of 10 months from 01-10-2000. Their pension is to be re-fixed from the date of their retirement by adopting the formula as contained in the DOP&PW's OM dated 18.10.1999 by giving them notional benefit of IDA pay for the period their pay was taken in CDA pay for the purpose of calculating average emoluments and, thereafter, grant all consequential benefits. Two illustrations (methodology adopted) are given in the Annexure-1 of this letter for removing anomaly in pension of the ex-BSNL absorbed employees retired within the period of 10 months from 01.10.2000. Accordingly, revised pensionary benefits may be extended suo moto to all affected pensioners. However, in case of death of pensioner, payment may be made suo moto based on nomination as per Arrears of Pension (Nomination) Rules, 1983. In the absence of nomination, the arrears may be paid to legal heirs of the deceased pensioners who apply for the same.

3. All concerned offices/CCAs are requested to take further action in the matter for removing the anomaly in pension of the ex-BSNL absorbed employees retired within the period of 10 months from 01.10.2000 0.2000 as per the illustrations given in the Annexure-1 of this letter and, thereafter, grant all consequential benefits.

Annexure-I to letter No. No.38-16/2014-Pen(T) dated 07/10/2021

Illustrations for removing anomaly in pension of the ex-BSNL absorbed employees retired during the period from 01.10.2000 and 30.06.2001

Illustration (A)

Date of retirement - 30.11.2000
CDA pay scale of Rs.5000-150-8000
Last pay drawn - Rs.6050,
with date of increment in January and CDA DR - 41%

Calculation of Average Emoluments/pension in CDA pay scale (initially paid on retirement)

1.2.2000 to 30.11.2000 - $6050 \times 10 = 60500$
10 months total = 60500
Average Emoluments = 6050 **Pension = 3025**
Pension + CDA DR = $3025 + 1240 = 4265$

Calculation of Average Emoluments/pension partly in CDA and partly in IDA pay scales on absorption in BSNL

Corresponding IDA pay scale of Rs.7100-200-10100,
last pay drawn fixed as 8500 on point to point basis and IDA DR 28%

1.2.2000 to 30.9.2000 - $6050 \times 8 = 48400$
1.10.2000 to 30.11.2000 - $8500 \times 2 = 17000$
10 months total = 65400
Average Emoluments = 6540
Pension = **3270**
Pension + IDA DR = $3270 + 916 = 4186$

Methodology adopted for calculation of Average Emoluments/pension by allowing notional benefit of IDA pay scale for the number of months for which he drew pay in CDA pay scale.

1.2.2000 to 30.11.2000 - $8500 \times 10 = 85000$
10 months total = 85000
Average Emoluments = 8500
Pension = **4250**
Pension + IDA DR = $4250 + 1190 = 5440$

Annexure to letter No. No.38-16/2014-Pen(T) dated 07/10/2021

Illustration (B)

Date of retirement - 31.10.2000
CDA pay scale of Rs.5500-175-9000 , last pay drawn - 7250,
with date of increment in March and CDA DR - 41%

Calculation of Average Emoluments/pension in CDA pay scale (initially paid on retirement)

01.1.2000 to 29.2.2000	-	7075 X 2 = 14150
1.3.2000 to 31. 10.2000	-	7250 X 8 = 58000
10 months total	=	72150
Average Emoluments	=	7215
Pension	=	3608
Pension + CDA DR	=	3608 + 1479 = 5087

Calculation of Average Emoluments/pension partly in CDA and partly in IDA pay scales

IDA pay scale of Rs.7800-225-11175, last pay drawn fixed as 10050 on point to point basis and IDA DR 28%

1.1.2000 to 29.2.2000	-	7075 x 2 = 14150
1.3.2000 to 30.9.2000	-	7250 x 7 = 50750
1.10.2000 to 31.10.2000	-	10050 x11 = 1 0050
10 months total	=	74950
Average Emoluments	=	7495
Pension	=	3748
50% of the minimum of the IDA pay scale	=	3900
Pension + IDA DR	=	3900 + 1092 = 4992

Methodology adopted for calculation of Average Emoluments/pension by allowing notional benefit of IDA pay scale for the number of months for which he drew pay in CDS pay scale.

1.1.2000 to 29.2.2000	-	9825 x 2 = 19650
1.3.2000 to 31.10.2000	-	10050 x 8 =80400
10months total	=	100050
Average Emoluments	=	10005
Pension	=	5003
Pension + IDA DR	=	5003 + 1401= 6404

Annexure-II to letter No. No.38-16/2014-Pen(T) dated 07/10/2021

Names of the applicants of OA No.2173/2014

- (1) Shri Ved Prakash Gupta, Ex-Sr.SSO, CTO, R/o 17-F, Pocket-4 , Mayur Vihar (Phase-I), New Delhi-91
- (2) Shri R. Ranganathan, Ex-Chief Telegraph Master, CTO, R/o 40, First Main Rd., Purushothaman Nagar, Chromepet, Chennai
- (3) Shri G.R. Dharmarajan , Ex-Chief Telephoe Operator No. 3, R/o Sekkjar Street Extn., Bibikulam, Madurai-625002
- (4) Shri M.S. Muthukrishnan, Ex-SOE Chennai Telephones No. I , R/o 26th Cross Street, Besant Nagar, Chennai.
- (5) Shri T.K. Sundaramoorthy, Ex-DE, RTTC, R/o 4, Shanti Nagar, 6th Street, Adambakkam, Chennai.
- (6) Shri Nabin Chandra Nayak, Ex-Sr.AO, Orissa, R/o N- 1/253, IRC Village, CRP Square, Bhubaneshwar (Orissa)- 751015
- (7) Shri RoshanLal Kapoor, Ex-ADG , DOT HQ, New Delhi, R/o Flat No. I , Upper Ground Floor, Tower P5, Prateek Grand City, Sidharth Vihar, NH-24, Ghaziabad , 201009.
- (8) Shri A.S. Ramchanraiah, Ex-CSS, Kamataka, R/o 509, 65th Cross, 5th Block, Rajaji Nagar, Bangalore-560010
- (9) Shri V. Ramachandaran, Ex-SDE, Calicut, Kerala Circle, R/o Thiruthi House, Kumaranpadi , P.O. Nirammaruthur, Malappuram , Kerala.
- (10) Shri U.S.N. Murthy, Ex-CSS, Andhra Pradesh, R/o G-2, Srinidhi Residency, Saptagiri Colony, Kukutpalli, Hyderabad-500072
- (11) Shri Vijay Kumar Rustogi, Ex-Sr.TM(T), CTO, New Delhi , R/o B-184, Surya Nagar, Ghaziabad, U.P.
- (12) **All India BSNL Pensioners Welfare Association** Through Shri Chhidu Singh, Deputy General Secretary, Central Headquarters, RZ-60/5, Gali No. 9, Tughlakabad Extn., New Delhi- 110019

WE WROTE TO SECRETARY, TELECOM

Email dated 25-8-2021

To
Secretary (T),
Sanchar Bhawan,
20, Asoka Road, New Delhi – 110001

Respected Sir,

Sub; Pension anomaly – unambiguous order requested

We understand that the orders for implementing CAT, PB, Delhi judgement dated 16/12/2016 on pension anomaly issue is under process. Our Association is the first applicant in this O.A. We request that the following points may please be covered in the order, to be issued, to avoid any ambiguity and unnecessary clarifications.

a) The pension of those who retired from BSNL (who were absorbed from DoT/DTS/DTO) in the first ten months after 1/10/2000 may be revised at 50% of last ten months average treating the entire period of last 10 months on IDA pay whether notional or actual. Enhanced family pension may also be revised accordingly. This revised pension would be applicable upto 31/12/2006.

b) From 1/1/2007, the pension shall further be revised taking into account
Revised basic pension as on 31/12/2006
Plus 68.8% Dearness Relief
Plus 30% of both
The sum arrived at shall be the revised pension from 1/1/2007 to 9/6/2013

c) From 10/6/2013
Revised basic pension as on 31/12/2006
Plus 78.2% Dearness Relief
Plus 30% of both
The sum arrived at shall be the revised pension from 10/6/2013 onwards.

Pr.CCAs/CCAs may have the required data in the systems about the absorbed employees who retired in the first 10 months after 1/10/2000. They are also aware whether the Retirees are alive or not. Pr.CCAs/CCAs may be directed to revise the pension **suo moto** to such pensioners. In the event of death of such pensioners, Life Time Arrears (LTA) may be paid if there is a nomination as per “Arrears of Pension (Nomination) Rules, 1983. In the absence of nomination, LTA may be paid to the legal heirs of the deceased pensioner.

Comparative IDA pay scale to corresponding CDA pay scale may be annexed for ready reference.

Model pension revision table may also be attached for illustration. Pr.CCAs/CCAs may be directed to implement the order within a month (because the number of beneficiaries is only around 4,000 in the entire country) from the date of receipt of this order.

From Whatsapp Groups and website of AIBSNLPWA

PENSION ANOMALY

It is a clear order that DOT has issued on 7-10-2021 on Pension Anomaly Case won by **AIBSNLPWA**.

Affected pensioners need not apply. CCAs should not demand any application from the Pensioners.

CCAs can revise the pension of the affected pensioners based on the records available in their offices, issue sanction and authorize the Pension Disbursing Authorities, Banks/Post Offices.

There is no need of referring the case to BSNL SSA office or Circle Office.

Banks and Post Offices will calculate the arrears based on the authority issued by CCA. In the case of Banks, their CPPCs may be preparing the Due-Drawn statement. In the case of pensioners drawing pension through Post Offices the Director of Postal Accounts/General Manager Postal Accounts and Finance will be doing it.

All those who retired during the period from October 2000 to June 2001 are affected by the anomaly and are entitled to revision of pension from the date they retired with all consequential benefits.

There shall not be any change in Family Pension because FP is granted based on Last Pay Drawn by the employee.

In the case of those beneficiaries died, nominees will get the Life time payment. If no nominee is shown in the records then it will go to their legal heirs

District Secretaries and our active comrades are requested to study the order and help families of deceased pensioners.

OUR EMAIL TO NEW SECRETARY



To
Shri K. Rajaraman IAS,
Secretary, Telecom,
Sanchar Bhavan, New Delhi 110001.

Respected Sir,

On behalf of All India BSNL Pensioners Welfare Association, I am delighted to welcome you as the Secretary, Telecom.

AIBSNLPWA is the first national organization of BSNL retirees, formed on 20th August 2009 in a national convention held at Tambaram, Chennai. Today AIBSNLPWA is the largest organization of Telecom pensioners in India with 65000 Life members and 30000 Annual members spread over 24 Telecom Circles and more than 265 Telecom Districts. AISBSNLPWA represents those retired from BSNL as well as DoT, retired from all cadres right from Chief General Managers to Phone Mechanics; it represents those who belonged to different staff unions while in service. AIBSNLPWA is an independent organization, not affiliated to any Central Trade Union, or any political organization.

You may be aware that the absorbed employees are getting pensionary benefits from government of India, through DOT, in accordance with CCS Pension Rule, 1972. There are some issues and we look forward for a meeting at a later date at your convenience.

Once again, I welcome you to the coveted post of Secretary, Telecom, Government of India.

Yours sincerely,


P. Gangadhara Rao, **
General Secretary.

4-10-2021

LACK OF UNDERSTANDING

Com K Jayaraj, GS, AIBDPA has issued a lengthy circular to celebrate 13th foundation day. He has every right to give such a call. He has claimed that every achievement is because of AIBDPA. But pensioners know the truth.

He has given some incorrect and false information. I want to put the record straight.

TUI (P&R)

Formation conference of TUI (P&R) was held in February 2014 and not 2013. Com VAN attended that conference on behalf of CITU and not AIBDPA. AIBDPA was not affiliated to TUI (P&R) then in 2014.

OUR ANOMALY CASE

Regarding Pension anomaly case, without knowing the facts he has given wrong information. The rule that In no case pension should be less than 50% of minimum of corresponding revised pay was available even in 1998 as per DoP&PW order. Even before 2011 order, that benefit was given in 2003 itself. For example Com. R Ranganathan of CTO, Chennai and Com. G R Dharmarajan of Madurai got their pension at Rs.4285/- (50% of IDA pay of 8570) before the so-called 2011 order.

Recent DoT order is not based on Supreme Court order as mentioned by Com Jayaraj but based on CAT order. He is trying to portray a picture that because we have filed a case they could not settle.

It is a big joke.

We filed the case only in May 2014. The issue of anomaly was there since 2002. BSNLEU was the only recognised union for many years and AIBDPA was working with them in tandem.

Why they could not settle between 2002 and 2014?

I stop with this and I don't want to expose their lack of understanding on the issue.

D Gopalakrishnan, Vice President, AIBSNLPWA

10-10-2021

WHAT WAS THE ANOMALY? HOW IT TOOK PLACE?

BSNL was launched from 1-10-2000. DoT employees moved to BSNL enmasse and got absorbed in the new Corporation. They are called 'absorbed employees'.

Mr. X, Mr. Y and Mr. Z all were working in same office and had 32 years of service. All the three opted for BSNL and joined the company on 1-10-2000 itself. According to the age and service, Mr. X was senior most, then Mr. Y and Mr. Z the juniormost amongst the three. X retired on 31-12-2000, Y retired on 28-2-2001 and Z retired on 31-7-2001. At that time it was only CDA scales. IDA scales for BSNL were not introduced. All the three were drawing basic pay of Rs 7900 in the scale of 6500-200-10500 when they retired. They had drawn same 7900 for the last ten months of their service too. Therefore, all the three were given basic pension of Rs 3950 also. There was no anomaly at that stage. In 2002, after negotiations with unions, the IDA scales were introduced for absorbed employees retrospectively from 1-10-2000. X, Y and Z sitting in their homes were given new scale of Rs 8570-245-122145. Point to point fixation was also given. In 6500-200-10500 they had earned 7 stages.

$$200 \times 7 = 1400. \quad 6500 + 1400 = 7900$$

So, seven increments were added in new scale of 8570-245-12245 and all the three were given same stage of Rs. 10285. Then their pension was revised taking last ten months average basic pay.

For Mr. X:

From March to September 2000, 7 months:	7900×7	= 55300
From October to December 2000, 3 months:	10285×3	= 30855
Total for the ten months:		= 86155
Average emoluments for 10 months:		= 8615.5
Revised Basic Pension for Mr. X =		= 4307.25

For Mr. Y:

From May 2000 to September 2000, 5 months:	7900×5	= 39500
From October 2000 to February 2001, 5 months:	10285×5	= 51425
Total for the ten months:		= 90925
Average emoluments for 10 months:		= 9092.50
Revised Basic Pension for Mr. Y =		= 4546.25

For Mr. Z:

From October 2000 to July 2001, 10 months:	10285×10	= 102850
Total for the ten months:		= 102850
Average emoluments for 10 months:		= 10285
Revised Basic Pension for Mr. Z =		= 5142.5

PENSION ANOMALY CASE: WHAT WE ACHIEVED

A different example is given below.

Mr. A and Mr. B, both were in the CDA Scale of 5500-175-9000 and drawing same Basic Pay of Rs 7600 on date of retirement. A, the senior, retired on 31-10-2000 and B retired on 31-8-2001. When they retired IDA scales were not introduced. Mr. A had drawn Rs 7425 for 3 months and Rs 7600 for 7 months during the last ten months period. Whereas Mr. B had drawn Rs 7425 for 7 months and Rs 7600 for 3 months.

Originally their CDA pension was fixed as:

For A : Rs 7425 x 3 = 22275, Rs 7600 x 7 = 53200. Total : 75475,
Average Pay 7547.5 and Basic Pension in CDA: **3774.**

For B : Rs 7425 x 7 = 51975, Rs 7600 x 3 = 22800. Total : 74775,
Average Pay 7477.5 and Basic Pension in CDA: **3739.00.**

After IDA Scales introduced:

A: 3 months with 7425 in CDA, 6 months with 7600 in CDA and 1 month in IDA
7425 x 3=22275, 7600 x 6 = 45600, 10500 x 1 = 10500, Total 78375
Average Pay: 7837.5 Revised Basic Pension; **3919.00**

B: 7 months with 10275 in IDA and 3 months with 10500 in CDA
10275 x 7 = 71925, 10500 x 3 = 31500 Total: 103425
Average pay: 10342.50 Revised Basic Pension: **5172.00**

When Retired, Mr. A received Rs 35 more than his junior Mr. B in Basic Pension. But, after IDA scales were introduced and pension revised he got **Rs 1253** less.

This was the anomaly. When revised with 78.2% IDR the difference rose to **2903** in basic pension. With 170.5% IDR the senior was getting **Rs 7853** less.

WE HAVE RESOLVED THIS SERIOUS ANOMALY BY WINNING THE CASE.

The basic pension of Mr. A has to be revised now as:

Rs. 10275 x 3 = 30825 and Rs 10500 x 7 = 73500, Total 104325
AVERAGE PAY (NOTIONAL) : 10432.50 BASIC PENSION: **5217.00**

There shall not be any change in the pension of Mr. B as he got benefit of IDA Pay for all the last ten months of his service. His basic pension shall continue to be 5172.

After this new revision, in accordance with the order dated 7-10-2021, Mr. A will receive Rs. 45 more in basic pension as on 1-9-2001. Now, with subsequent revision with 78.2% and with 170.5% IDR the Senior will get Rs 281 more than the Junior.

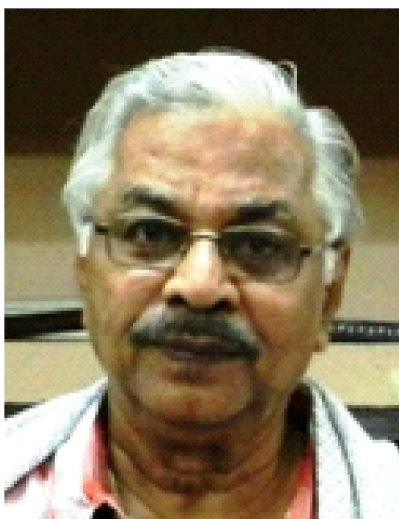
Anomaly Case:

WE DID NOT RUSH TO THE COURT

We fought the legal battle for seven years. But we did not take a hasty decision to file the case. We did not rush to the CAT. We did lot of work before filing the case in 2014. In fact, we proposed to file it in 2012. We arranged a lawyer and paid him Rs 20000 as advance too. Because of some positive development in DoT we did not file the case then and got the advance back. Com. Chhidu Singh managed to get the money back from Lawyer. During the period from 2010 to 2014 we studied this anomaly more thoroughly, collected many materials, met the officers in DOT, in BSNL and in DoP&PW. Not once, but several times. We left no stone unturned to get a remedy for the anomaly through negotiations. We waited for the decision from SCOVA. (This matter is still a pending item in SCOVA since 2004!) Finally when all other efforts failed only our CWC decided to approach the CAT. We had to file Contempt of Court cases too. When the first lawyer demanded more money for the Contempt case we engaged another lawyer for lesser amount. We were very much careful in spending members' money.

I request all, especially the beneficiaries of the case, to study the matter given in following 18 pages explaining the background, the real reason for the anomaly, how much labour our CHQ leaders invested for the case and what compelled us to approach the Court.

Many of the beneficiaries may not be aware of these.



90% of the work was done by Comrade D. Gopalakrishnan (DG). The General Secretaries, including I, signed many letters. But all the letters were either drafted by DG or vetted by him.

My big salute to his wonderful patience and perseverance.

...

P S Ramankutty

JUSTICE PREVAILED

WHAT IS PENSION ANOMALY ? THE CAUSE OF IT

Preface:

The order issued by Department of Telecom on 7-10-2021 honouring the verdict of Principal Bench of CAT pronounced on 16-12-2016 in OA 2173/14 is yet another colourful feather added to the hat of AIBSNLPWA. It was the happy culmination of long strenuous and sustained struggle conducted by the Association to secure justice for 4000 and odd senior pensioners. The story shall not be complete without mentioning the sustained efforts made by Com. D Gopalakrishnan, Vice President of AIBSNLPWA. Though all the three General Secretaries of the Association – P S Ramankutty, G Natarajan and P Gangadhara Rao – had done lot of work it was Com. DG who invested maximum labour in the long legal battle and even before it. No body else has the patience as DG has to be so meticulous and inquisitive. The order dated 7-10-2021 ended an anomaly in pension , naked and pure, that agitated the mind of 4000 and odd families for two decades. Anomaly in Pay fixation or Pension fixation is not new in government services. Every time such anomaly arose a corrective mechanism used to be set up. But DoT deviated from the established practice, delayed the process even by repeatedly dishonouring orders from Court of Law. The delay caused huge loss to senior pensioners, avoidable work to Directorate and to AIBSNLPWA.

Root cause for pension anomaly

BSNL was formed on 1-10-2000. The staff worked in DoT were transferred *enmasse* to BSNL on 'as is where is' basis. Options were called for. Except few, all opted for BSNL. Order was issued on 7-8-2002 for conversion of CDA pay into IDA pay for non-executives. For executives it was issued on 18-3-2004. Till conversion of their pay, the retired staff got their pension fixed at 50% of last 10 months average pay in CDA. After conversion to IDA pay, their pension was revised based on a clarification issued by DoT vide its order dated 15/1/2003. The said clarification was to take last 10 months average pay, for calculation of pension, though a part was in CDA and another part was in IDA. This was the root cause for pension anomaly.

Role of others

Service unions took up this issue. BSNL corporate office called for the particulars from all CGMs vide their letter dated 12/5/2006 with a reminder on 21/6/2006 asking them to send the details one case for each month from October 2000 to June 2001 retirees by fax by 30/6/2006. On 26/11/2007 there was a committee meeting of DoT, BSNL and BSNLEU and this issue was discussed as item number 8 and it was told in the meeting that corporate office called for details from the heads of circles and only 17 circles have sent the details and the information from other circles were awaited. But this issue was not pursued consistently. Some other pensioners' associations also wrote about this issue at some point of time but nobody took it to the logical end.

Role of PCCA, Tamilnadu

Shri T. K. Sundaramoorthy, DE, CTTC, Chennai retired on 28/2/2001. He made a representation about this anomaly to CGM, Chennai Telephones on 30/12/2006. Later he wrote to CCA, TN on 12/4/2007, to Tamilnadu Pension Adalat on 10/9/2007, again to CCA, TN on 8/4/2008, to DoT on 20/1/2009 with a copy to Shri G.L.Jogi, GS, SNEA and to Secretary, Pension on 20/10/2009. Tamilnadu BSNL Pensioners' Welfare Association (before formation of AIBSNLPWA) took up this issue in Pension Adalat held in July 2007. This issue was continuously taken up by Tamilnadu Association in subsequent adalats also. This case was known as 'Sundaramoorthy case' for some time. Tamilnadu CCA wrote a letter to DoT on 31/5/2007 in this regard. DoT replied on 26/9/2007 stating that the matter was under consideration of Corporate office. TNBSNLPWA wrote to PCCA, TN on 15/2/2009 quoting DoP&PW orders. In turn, PCCA, TN wrote to DoT on 31/3/2009 and again on 26/3/2010. Shri G. Alagarsamy was CCA, subsequently promoted as PCCA, TN. No other PCCA/CCA took up this issue with DoT.

Role of Shri Kapoor

Shri Roshanlal Kapoor was a member in some other pensioners' organization but he joined AIBSNLPWA after seeing the efforts it was taking on this issue. He retired as ADG on 31/3/2001 and one of the affected pensioners. He was fully involved in this issue. He along with late Com Chiddhusingh found out a suitable lawyer. He coordinated with Com. D G in vetting the petition, counter etc. He along with Com Anupam Kaul found out another lawyer to argue the case in Hon. High Court of Delhi. Com Anupam Kaul, AGS helped the Association at the later stage of this case. Com V. Ramarao, Assistant Treasurer, CHQ helped Com. DG by filing RTI application to get certain information pertaining to this case. This issue was dealt with by three General Secretaries viz. Coms P.S.Ramankutty, G.Natarajan and P.Gangadhara Rao. Major part was by Com Natarajan who was GS for six years.

IT IS STILL PENDING IN SCOVA. ... 17 YEARS !!

This issue was taken-up in the 20th meeting held on 21/9/2011 and DoT informed in the meeting that order is to be issued. Later it was pursued continuously in all subsequent SCOVA meetings (21st to 27th) held between 27/9/2012 and 13/10/2015. In the SCOVA meeting held on 19/2/2013 it was decided that DoT will take final decision in the matter by 31/3/2013. Com Kapoor attended the 26th SCOVA meeting held on 3/2/2015 as a visitor, courtesy to members of SCOVA, and explained the issue in person. Dept. of Expenditure informed that the item of Pension Anomaly of BSNL Pensioners is pending in SCOVA since **2004**. It is still pending, even after order is issued !!

CONTINUOUS EFFORTS BY AIBSNLPWA

Continuous and consistent efforts

On 25/7/2005 DoT finance sent a note that the anomaly is due to difference in Dearness Relief on CDA & IDA pattern. On 14/3/2007 DoT wrote to CMD, BSNL asking for number of pensioners retired in the first 9 months after formation of BSNL and the financial implication. On 31/5/2007 CCA, TN wrote to DoT quoting T.K.Sundaramoorthy case. On 26/9/2007 DoT replied to CCA, TN stating that the issue was discussed with DoP&PW which wanted the number of cases and the financial implication. The matter is under consideration of BSNL corporate office. On 25/10/2007 and 7/2/2008 DOT sent reminders to BSNL. On 24/3/2008 BSNL sent reply to DoT stating that the pensioners **retired in the first nine months after formation of BSNL are 237** and the financial implication is Rs.46,134/- per month plus IDA. On 31/3/2009 CCA, TN wrote to DDG (Estt.) of DoT. On 12/3/2010 AIBSNLPWA, TN circle wrote a letter to Shri G. Alagarsamy, PCCA, TN. Again on 12/3/2010 TNBSNLPWA wrote a letter to Mr. P.J.Thomas, Secretary (T). On 26/3/2010 CCA, TN again wrote to DDG (Estt.) On 2/6/2011 GS (Com PSR) wrote a letter to Secretary (T) and on 4/10/2011 GS (PSR) wrote a detailed letter to Hon. Minister of Communications, Shri Kapil Sibal. On 14/10/2011 Tamilnadu Coordinating committee of AIBSNLPWA of TN circle and CH TD sent a letter to the then Finance Minister Shri Pranab Mukerjee. On 21/11/ In 2011 GS (Com PSR) wrote to Secretary (T) Shri Chandrasekar contesting three points of the management. 1) Pension anomaly is not due to variation in DA pattern of CDA & IDA. Three officials viz. A, B & C were in CDA scale of 6500-10500 which was converted into IDA scale of 8570-12245. All the three were drawing Rs.7500/- as basic pay in the last ten months in CDA. All the three got a basic pension of Rs.3750/- in CDA. Their IDA pay was fixed at Rs.9795/- on 1/10/2000. 'A' retired in October 2000, 'B' retired in June 2001 & 'C' retired in July 2001. After DoT

CONTINUOUS EFFORTS BY AIBSNLPWA

clarification dated 15/1/2003 'A' got his pension revised as Rs.3865/- 'B' as Rs.4783/- & C as Rs.4898/-. 2) Number of affected pensioners is not 237 and it is 4230. 3) Application of DoP&PW OM dated 17/12/1998 which was made applicable to BSNL IDA pensioners vide DoT order dated 27/9/2011 (the pension should not be less than 50% of the minimum of the corresponding revised scale). Association reiterated its point for solving the pension anomaly. On 27/10/2011 PCCA, TN wrote to Ms. Sadhana Dixit, Advisor (F). The concluding remark in that letter was "this pension anomaly must be there in all the circles. This circle requests that this issue may be restudied in detail to arrive at a considered decision in the light of new points raised by All India BSNL Pensioners Welfare Association".

Since no positive result to such official requests forthcoming, on 16/7/2012 GS (Com PSR) wrote a detailed letter to Secretary(T) **with 13 annexure** which prompted the DoT to reopen the closed file. On 27/7/2012 Com R.L.Kapoor met Member (S). On 13/8/2012 DoT forwarded letter from AIBSNLPWA dated 16/7/2012 to BSNL corporate office and sought parawise comments. On 11/9/2012 BSNL corporate office sent the comments in which it agreed for the proposal of notional fixation as per DoP&PW OM dated 18/10/1999. It also mentioned that it involves a policy decision by DoT. On 29/10/2012 Member (S) cleared the file and sent to Member (F); on 14/11/2012 File reached DDG (Feb).

On 3/1/2013 the new GS Com G Natarajan wrote a letter to Secretary (T) and on 14/1/2013 DoT called for certain details from BSNL corporate office; on 24/1/2013 In turn BSNL C.O called for details from all heads of circles and they were asked to send the details before 15/2/2013. On 15/2/2013, on the advice of finance wing of DoT, clarification was sought from BSNL corporate office on six points. In turn, Corporate office called for the details again from all heads of circles. On 1/3/2013 BSNL corporate office sent a reminder to all heads of circles.

Simultaneously on 12/3/2013 Coms Chiddhusingh and Kapoor met GM Shri Goel in corporate office and discussed the issue where AGM Shri Sinha was also present. AGM told that the particulars from many circles were not received. GM asked AGM to reply to DoT without waiting for information from all circles and the reply to DoT may be sent on the basis of available information. The concerned Accounts Officer in Corporate Office admitted Com. R L Kapoor on 15/3/2013 the number of affected pensioners is more than 4000. On 19/3/2013 GS Natarajan wrote a letter to CMD, BSNL stating that the approximate number of affected pensioners is **4230**. The figure was authenticated with CAG report on BSNL No.5 of 2005 for F/Y 2000-2001 and 2001-2002 . Association collected the details of the affected pensioners through its own source from some circles which stood at 1040 (Retired

HOW MANY ? 237. NO IT IS 4230. YES. 4230

in October 2000-103, Nov-105, Dec-102, Jan 2001-103, Feb-95, Mar-123, Apr-108, May-148 & June-159). A study of the details of 45 affected pensioners (5 for each month, from different cadres from 7 circles) indicated that the average additional expenditure would be Rs.677/- per month + DR.

On 5/4/2013 Coms Ramankutty, Natarajan, Chiddhusingh and Kapoor met Member (S) Shri S.C.Misra and discussed the issue. Member (S) assured that as soon as the reply is received from corporate office it would be scrutinized in DoT without much delay and forwarded to DoP&PW for approval. On 12/4/2013 BSNL corporate office sent 166 cases of Chennai Telephones and informed that the total number of affected pensioners would be 4230 (As Com. DG had indicated earlier) throughout the country. This letter was received by DoT on 15/4/2013. On 29/4/2013 Com Kapoor contacted finance section of DoT and he was informed that Director (F) has raised some questions and sent to Mr. Shri Sivakumar, AO.

So, on 22/5/2013 Coms Chiddhusingh and Kapoor met the Sri Sivakumar who informed them that the particulars sought by Director (F) are ready collected and the file note is positive. Then on 29/5/2013 Coms Chiddhusingh and Kapoor met DDG (FEB) Ms.Sikha Mathur Kumar. The leaders explained the issue to DDG (FEB). The doubts raised by Director were also cleared and Xerox copy of some documents was also made over to DDG. DDG (FEB) took the telephone number of Kapoor and if need be, he could be called for discussion. It was a useful discussion. On 7/6/2013 Com Ramankutty spoke to Member (F) Ms. Sadhana Dixit over phone followed by an E-mail. Member (F) marked that E-mail to DDG (FEB). On 11/6/2013 Coms Chiddhusingh and Kapoor met new DDG Shri Tripathi in the presence of outgoing Director and incoming Director and discussed the issue in detail. The new DDG and new Director assured to take necessary action. On 11/6/2013 leaders of AIBSNLPWA handed over a letter to Member (F) Ms. Sadhana Dixit who came to Madurai in Tamilnadu. On 13/6/2013 GS Com Natarajan sent an E-mail to Member (F) for early settlement. On 8/6/2013 Coms Chiddhusingh and Kapoor met new Director (F) Ms. Y. Shukla and discussed the issue. And on 1/7/2013 Coms Natarajan, Chiddhusingh, Kapoor and S.Gunasekaran met Member (S) Shri S.C.Misra and discussed the issue. GS gave a letter by name to Member (F). Next day, same team met Addl.Secretary Ms.Rita A Teotia, IAS, and discussed the issue. On 4/7/2013 the GS wrote to Secretary, DoP&PW regarding the clarification issued by DoT on 15/1/2003 and asked whether it has the approval of DoP&PW. Followed by that on 8/7/2013 Com Kapoor met Director (Pension) Shri Harjeetsingh who told that the issue involves a policy decision; proposal has to come from DoT which will be considered by pension department and then seek

CONTINUOUS EFFORTS BY AIBSNLPWA

the approval of Department of Expenditure. On 20/7/2013 Coms Natarajan and DG met Minister for Pension & Public Grievances, Shri V.Narayanasamy at Chennai and handed over a letter to him on this issue. After two days, Com Kapoor made over the letter from to Secretary (T) in Sanchar Bhawan. Later he met Director (Pension) Shri Harjeetsingh again and discussed the issue of interpreting the DoP&PW order dated 20/12/2002. The Director said that he was studying the file notings. As a result, on 13/8/2013 DoP&PW sent a reply to GS Com Natarajan that the issue was under consideration. On 23/8/2013 Coms Chiddhusingh and Kapoor met new Member (F) Ms. Nirmala Pillai and DDG (FEB) Shri Tiwari and discussed the issue. DDG (FEB) raised some more queries and sent back the file to Director (F). On 4/9/2013 Com Kapoor met Director (F) who informed that all the queries raised by DDG (FEB) were replied and the same was sent back to DDG (FEB). On 27/9/2013 Member (S) approved the proposal saying *“For rectifying the pension anomaly in respect of BSNL IDA pensioners who were absorbed in BSNL with effect from 1/10/2000 and retired within 10 months from the date of absorption, the special dispensation for revision of emoluments by taking the notional pay which would have been drawn during the 10 months as is given by a particular group of pension as explained in para 5 above ought to be extended to such IDA BSNL pensioners. By doing so, the calculation of pension to those BSNL retirees pensioners who superannuated between October 2000 to June 2001, be made by taking into account the average emoluments on notional IDA pay for the last ten months which would have been drawn by them for the period they were drawing pay in CDA scale. For example: if an employee is superannuated in December 2000, his average emoluments for the last ten months period from March to December 2000, instead of March to September 2000 in CDA and October to December 2000 in IDA”*.

Member (S) sent the file to Member (F) who marked the file to DDG (FEB) for consideration of DoT finance section. And on 14/10/2013 DoT finance made the following noting – *“For rectifying the pension anomaly, completely in respect of such group of pensioners, the special dispensation on similar line as revision of emoluments for a particular group of pensioners as explained in para 6 & 7 above was extended to such IDA BSNL pensioners. Accordingly, the calculation of average emoluments of those BSNL pensioners who superannuated between October 2000 to June 2001, would be made by taking into account on notional basis, IDA pay for the period they were drawing pay in CDA scale prior to their absorption. The financial implication would approximately be Rs.22,75,740/- per month on a recurring basis. Since the issue involves policy decision in respect of CCS (Pension) Rules, 1972, the same may be approved by DoP&PW being the nodal Ministry/Department”*.

DOT APPROVED, BUT ...

On 18/10/2013 Secretary (T) approved the file. The file was sent to DoP&PW. After waiting for about two months, on 11/12/2013 GS wrote to CMD, BSNL. Then on 31/1/2014 DoP&PW sent a strange letter to DoT stating *"there seems to be no anomaly and therefore, no justification for agreeing to the proposal of DoT for allowing pension by notionally revising pay in the IDA pay scale for the period the employees worked in CDA scale before absorption"*.

On 10/2/2014 GS wrote to Secretary (Pension) contesting their conclusion. On 17/9/2014 BSNL corporate office intimated DoT that vast majority of the circles have not been able to provide information due to 1) the issue is very old and records are no longer available after a lapse of 14 years 2) service books of these officials are kept in respective CCAs/DoT cells.

On 15/10/2014 Association leaders had a meeting with officers of DoP&PW in which DoT officers were also present. As a result of that meeting, DoP&PW sought certain information from DoT vide their letter dated 21/10/2014 and 31/10/2014 and on 3/12/2014 Smt. Vandana Sharma, Joint Secretary, DoP&PW held a meeting with DoT officers in her office. On 14/1/2015 DoT wrote to CMD, BSNL calling for details on the 6 following points about the proposal:-

- a) *Implication for fixing pension on notional basis*
- b) *After exercising option how can the pensioners retract on it?*
- c) *How many cases?*
- d) *What is the financial implication?*
- e) *Will it open many more cases?*
- f) *What is the basis for taking up on notional basis?*

On 3/2/2015 as per CHQ request, Shri R.L.Kapoor attended 26th SCOVA meeting as a visitor, with the help of SCOVA members. He explained the status of the present position.

On 7/2/2015 GS (Natarajan) wrote a detailed letter to Shri Alok Rawat, Secretary (Pension). In that letter it was clearly told that DoT order dated 27/9/2011 did not solve the pension anomaly comparing Shri N. Munusamy (DoR 31/10/2000) and Shri E.M.Narayanan (DoR 31/7/2001) and Smt. R.Vanitha (DoR 30/4/2001) and Shri R.Narasimhan (DoR 31/7/2001). Even after giving 50% of minimum of corresponding revised scale of pay to Shri N. Munusamy and Smt. R. Vanitha were getting less basic pension compared to those who retired in July 2001

WE UTILIZED THE RTI ACT; UP TO THE TOP

Since neither DoT nor the BSNL CO could take effective steps to remove the anomaly, Association leaders had to depend upon the Right to Information Act. On 17/1/2010 Com. DG filed an RTI application before CPIO, DoT asking for the position of pension anomaly. On 8/2/2010 DG received a reply stating that the case was still under consideration. On 1/10/2011 DG again filed another RTI application with DoT, DoP&PW and Department of Expenditure. On 31/10/2011 CPIO, DoT replied that the anomaly was due to **differentiation in DA (CDA pattern and IDA pattern;** in CDA pattern DA percentage was more whereas in IDA pattern it was less). Note-sheets of different wings of DoT & DoP&PW were also received. This was received by Com. DG on 4/11/2011. Then on 19/11/2011 DG filed an appeal with DDG (Estt.) for which DDG (Estt.) replied on 7/12/2011 which was received by Com. DG on 14/12/2011. **On 16/12/2011 DG filed a second appeal with Commissioner, Information commission (CIC)** which was received by him on 23/12/2011 (this was mainly regarding the number of employees retired between October 2000 and June 2001). On 31/1/2013 CIC arranged for a personal hearing. **It was held through video conference.** CIC conducted the proceedings. Com Ramarao and DG attended the hearing from Chennai. From DoT side Ms. Shyamala Kutty, Deputy Secretary attended from Delhi. **DG contested the figure of 237 and informed that the retirees during those nine months were 4230.** CIC asked the authority on which DG's figure was based. DG quoted CAG report on BSNL for the years 2000-2001 and 2001-2002. The Commissioner Shri Basanth Seth was satisfied and directed the DoT to furnish the following within 15 days:-

- 1) Copy of reply, if any, from DoP&PW for its reference dated 14/9/2005 on pension anomaly
- 2) Number of affected pensioners

This letter of CIC was received by Com. DG on 11/2/2013. On 22/2/2013 Dy. Secretary of DoT Ms. Shyamala Kutty sent Com. DG a reply stating that the affected pensioners are 237 as per information supplied by BSNL! So on 4/3/2013 DG made a complaint to CIC Shri Basant Seth by name challenging the figure of 237. DG also quoted authentic information regarding number of retirees during those nine months received through RTI application from Kerala-206, STR-45 and Tamilnadu-200. DG also supplied the names of those 451 retirees with date of retirement and alleged that CPIO, DoT has given a false information which attracts Secn 18(i) of RTI Act, 2005. On 12/4/2013, only after this complaint, BSNL corporate office informed DoT that affected pensioners were 4230. Corporate office also intimated that if notional IDA pay is accepted, the increase in pension would range from Rs.48/- to Rs.2129/- per month. It worked out the increase for

166 pensioners retired from Chennai Telephones and the amount was Rs.89,384/- per month plus DR. At national level it would come to Rs.22,75,740/- per month plus DR. On 26/7/2013 the CIC called for explanation from CPIO, DoT on DG's complaint. On 13/8/2013 the CPIO of DoT replied to CIC that the number of retirees during that period was 4230, the copy of which was received by Com. DG on 16/8/2013.

Individual representations

In 2012 AIBSNLPWA asked the affected pensioners to send a detailed representation (prepared by the Association CHQ) to Shri Shakeel Ahmed, (DDG (Estt.), DoT with a copy to Secretary (T) and Secretary (Pension). Many sent the representation.

KOLKATA CGMT IS UNTRACEABLE !

In 2012 Com V. Ramarao filed an RTI application with almost all CGMs seeking the details about the retirees in the first ten months after formation of BSNL. CPIO, O/o CGM, BSNL, Tamilnadu circle refused to give the details. Com. Ramarao made an appeal to CGM who agreed to give only partial information. When the CPIO, O/o CGM, BSNL, Chennai Telephone rejected the request an appeal was made to CGM, Chennai TD who also confirmed the rejection. Similarly CPIO, Punjab circle also refused. CPIO, Gujarat circle and Andhra circle replied that the information sought for was not available with them. **CPIO, Karnataka circle demanded Rs.600/-** towards cost of collecting information. **CCA, Jaipur (Shri Meena) demanded Rs.9800/-** (@ Rs.1400 per day for 7 days) as a cost for preparation of consolidated statement. The letter sent to CGM, Kolkatta telephones was returned stating that **'No such addresee'**. But required information was supplied by CGM, STR and Kerala (SSAwise). Later Ramarao sought the information from all the SSAs in Tamilnadu circle. Trichy, Coimbatore and Madurai (major SSAs) refused to part with the information. Other SSAs supplied the information. Hence on 20/11/2014 Com Ramarao filed an application with CPIO, DoT asking for the file notings on the issue of pension anomaly. It was also demanded the approval of DoP&PW for the clarification issued by DoT on 15/1/2003 (file No.40-13/2002 (Pen T). On 24/12/2014 CPIO sent the reply which was received by Ramarao on 5/1/2015. The reply stated that file No.40-13/2002 (Pen T) is not traceable. CPIO asked for payment of Rs.150/- for supplying the file notings consisting of 77 pages. On 6/1/2015 Rs.150/- was remitted to CPIO, DoT. And on 15/1/2015 CPIO, **DoT sent 77 page documents** which were received by com. Rao on 27/1/2015.

DOT and DOP&PW DID NOT UNDERSTAND THE ISSUE

Some affected pensioners represented to BSNL and DoT stating that their total pension is less after implementation of IDA pay scale from 1/10/2000 compared to their total pension in CDA scale. The following two examples can be seen:-

1. Shri J N Aggarwal DE Yamuna Nagar, retired on 31-10-2000 was getting Basic Pension of Rs 6642 with CDA of Rs 2723 (Total Rs 9365). After implementation of IDA scales and subsequent revision of pension he got Rs 6880 as Basic Pension and IDA of Rs 1926 (Total Rs 8806).

2. Shri G Ponnappan Pillai, TTA of Kollam, retired on 31-10-2000 was granted original pension of Rs 3127 with CDA of Rs 1282 (Total 4409). After revision with CDA+IDA his pension was reduced to $3254+911=4165$.

DoT & DoP&PW instead of studying the real issue simply stated that it was due to differentiation in DA of CDA pattern and IDA pattern. As on 1/10/2000 DA on CDA was 41% and DA on IDA was 28%. DoP&PW reply to DoT in ID note P55/N stated that *"the dip/loss in pension is due to Dearness Relief on IDA pattern. Strictly speaking this group has no right to claim for the dip/loss as they have cautiously opted for combined pension"*.

Counter by AIBSNLPWA

We contested their contention that the dip/loss in pension is not due to variation of DR but due to DoT order dated 15/1/2003. Mixture of CDA pay & IDA pay and DR on IDA pattern is not supported by any rules. After this mixture order of 15/1/2003 some officials who retired between October 2000 and June 2001 got less basic pension compared to those who retired on or after 31/7/2001. Association quoted the following example to substantiate its contention:-

Smt. R Vanitha and Shri R Narasimhan both were in the scale of Rs 6500-10500. Former on retirement on 30-4-2001 originally got basic pension of Rs 4350 whereas the latter retired on 31-7-2000 received basic pension of Rs 4250. After the 'mixture' of CDA and IDA Smt. Vanitha got 5258 and Shri Narasimhan got Rs 5510. Though Smt. R. Vanitha was getting Rs.100/- more basic pension in CDA pay compared to Shri R. Narasimhan, after implementation of the mixture order she got Rs.262/- less in basic pension than Shri Narasimhan.

THE REAL 'CULPRIT'

DoP&PW asked DoT whether DoT clarification dated 15/1/2003 was issued in consultation with them and if so, asked the relevant file. For this, DoT replied that the **said file could not be located/traced from the records/almirahs of pension section.** Same reply was given to RTI query also. DoT finance made a remark in file notings about the callous handling by pension section of DoT. This order is the culprit for the whole issue which the DoT issued without the consent of DoP&PW. DoT has no authority to issue such a clarification on its own on pension related matters. To conceal this fact, pension section informed that the file is not traceable.

Another wrong proposal by DoT

DoT had to concede the above contention. Then DoT pension section felt that if DoP&PW OM dated 17/12/1998 order is implemented to BSNL IDA pensioners, pension anomaly would automatically be rectified. This 17/12/1998 OM says that the pension should not be less than 50% of minimum of the corresponding revised pay scale. In support of this contention, DoT pension section quoted following case:-

Name:	Shri N I Koshy, TTA, Chennai
Date of retirement:	31-10-2000
CDA Pay :	5000-8000
LPD in CDA Scale:	6550
Corresponding IDA Scale:	7100-10100
LPD in IDA Scale:	9100
CDA Pension:	3198+13121=4510
Revised pension on CDA+IDA:	3328+932=4260
After application of DoP OM:	3550+994=4544

**DOE ASKS DOP&PW, DOP&PW ASKS DOT;
AND DOT ASKS BSNL**

According to DoT, if 17/12/1998 order is implemented, pension anomaly will be rectified and there will be no loss of pension. So, DoT sent its proposal to DoP&PW for its approval on 31/10/2008. DoP&PW in turn sought the approval of Department of Expenditure. DoE asked DoP&PW whether, if the proposal is accepted, the pension of those employees will not be more than who retired later. In turn DoP&PW asked the same clarification from DoT on 20/1/2009. In turn DoT asked BSNL and got the clarification from BSNL and supplied the information that it will not be more than who retired later to DoP&PW and DoE. But DoE intimated on 12/10/2009

that they did not agree with the proposal. On 15/10/2009 DoP&PW returned the file to DoT stating that if need be, DoT may discuss this case with DoP&PW. After several rounds of discussion between DoT & DoP&PW, the nodal department agreed to the proposal because a policy decision has already been taken by the Govt. DoP&PW in its 'Note' said *however it is for DoT to satisfy itself whether application of this order solves the problem; the calculation may be rechecked. If required it may come up with modified proposal.*

After getting the approval from DoP&PW, DoT issued an order on 27/9/2011 endorsing DoP&PW OM dated 17/12/1998. DoP&PW understood that this will not solve the problem of pension anomaly but DoT did not understand. DoT closed the file since they felt that the anomaly is rectified. Even before the issuance of DoT order dated 27/9/2011, many SSAs in Tamilnadu implemented the DoP&PW OM dated 17/12/1998. For example Coms. N. Munusamy (DoR 31/10/2000), R. Ranganathan (DoR 30/11/2000), G.R.Dharmarajan (DoR 31/12/2000) got 50% of minimum of corresponding revised pay. But Chennai Telephones, Kerala and some other circles did not implement that order. It is not known if even after 27/9/2011 order, whether all the circles extended that benefit.

ONE PENSIONER WITHDRAWS HIS CASE

One of the affected pensioners, Shri Tara Chand, Senior Telegraph Master, Mohali, Punjab filed a case before the Hon. High Court of Punjab & Haryana and the case number was C.W.P. 14303 of 2006. After the issuance of 27/9/2011 order Tara Chand thought that anomaly was settled and withdrew the case. Hon High Court dismissed the petition as withdrawn on 6/1/2012.

It did not solve the anomaly

We give a clear suggestion for solution

One who understands the problem only can find a solution. AIBSNLPWA understood the problem and suggested a viable solution. Association did not agree that 27/9/2011 order of DoT solved the problem. In Tamilnadu and Chennai Telephones Association asked the affected pensioners to send a representation in 2012 to Shri Shakeel Ahmed, DDG (Estt.), DOT with a copy to Secretary (T) and Secretary (Pension). After the Vijayawada CWC on 13/14th October 2011 GS (PSR) wrote a detailed letter on 21/11/2011 to Shri Chandrasekar, Secretary (T) stating that 27/9/2011 order did not solve the problem and suggested viable solution. After implementation of 5th CPC recommendations w.e.f. 1/1/1996 Central Govt. employees who retired in the first 9 months faced such kind of pension anomaly because their average emoluments were worked out partly on pre-revised pay and partly on revised pay.

To rectify this anomaly, DoP&PW issued OM No.45/86/97-P&PW(A)-Part-I dated 18/10/1999 for "Revision of pension for those retired from 1/1/1996 to 30/9/1996" which provided '*notional increase of the basic pay by applying the fitment benefit of 40% on the basic pay in the pre-revised pay scales*'. After merger of 50% DA from 1/4/2004, DoE also issued a similar order. Para 3 of DoE OM No.105/1/2004-IC dated 1/4/2004 inter-alia provided that "*to ensure that pensioners retiring between 1/4/2004 to 31/1/2005 do not face any loss in fixation of pension, as a special dispensation in their case, DA equal to 50% of the basic pay would be treated as basic pay for purposes of computation of pension in respect of basic pay received by them prior to 1/4/2004*".

After implementation of 6th CPC recommendations from 1/1/2006 a similar clarification was issued by DoP&PW under F.No.38/37/08-P&PW(A), Pt.II dated 3/10/2008. AIBSNLPWA suggested that the same method be adopted to BSNL IDA pensioners who retired in the first nine months after formation of BSNL. It also contested the number of pensioners as given by BSNL as 237 is wrong and there are more than 4000 pensioners who retired in the first nine months after formation of BSNL.

THE TURNING POINT

GS (PSR) wrote another letter on 16/7/2012 to Secretary (T) attaching the **relevant 13 annexure**. He quoted DoT letter No.33-14/2000-SR dated 19/2/2001 which clarified "the word formula in clause 8 of Rule 37-A means payment of pension as per Government rules in force at the relevant time (ii) "for the purpose of reckoning emoluments for calculation of pension and pensionary benefits, the emoluments as defined in CCS (Pension) Rules, in PSU in the IDA pay scales shall be treated as emoluments". This view reflects that all the orders issued by DoP&PW's for calculation formula for pension in IDA scale is also applicable to BSNL IDA pensioners. **This letter was the basis to re-open the closed file**. DoT forwarded this letter to BSNL corporate office on 13/8/2012 and sought parawise comments. On 11/9/2012 **BSNL corporate office offered the parawise comments confirming Association's contention**. It said the following:

"If the dispensation given by DoP&PW OM No.45/86/97-P&PW(A)-part-I dated 18/10/1999 is made applicable to the affected pensioners of BSNL, the anomaly in pension of BSNL pensioners who retired between 1/10/2000 to 30/6/2001 can be rectified by calculating the pension to those BSNL retirees who superannuated between October 2000 to June 2001 be calculated taking

into account the average emoluments on notional IDA pay for the last ten months instead of mixture of CDA & IDA pay. For example:- if an employee is superannuated in December 2000, his average emoluments for the last ten months should be taken as if he has worked in IDA pay scale for the entire period from March to December 2000, instead of March to September 2000 in CDA and October to December 2000, in IDA. Finally it said that it involves policy decision, an appropriate action may kindly be taken at your end please."

The proposal was circulated among various wings of DoT, after approval by Member (S), Member(F) and ultimately Secretary (T) approved on 18/10/2013 and directed to send the proposal to DoP&PW for its approval, being the nodal department. The financial implication would be Rs. 22,75,740/- per month plus DR.

This proposal was sent to DoP&PW on 20/10/2013. DoP&PW vide its ID note dated 12/11/2013 sought a comparative table of the pension plus DR admissible on retirement in respect of the absorbed employees in different categories retired in the months of October 2000 to June 2001 (separately for each month) if their pension is calculated (i) pension in average CDA pay plus DR on CDA pattern (ii) pension in average emoluments with a mixture of CDA & IDA plus DR on IDA pattern (iii & iv) pension on average emoluments of last 10 months IDA pay only (including notional IDA pay) plus DR on IDA pattern.

DoT sought the details from BSNL and sent to DoP&PW too. DoP&PW wrote on file that BSNL IDA pensioners are getting more than their counter-parts of CDA pensioners and gave the following details:- (see Table 1 below)

CDA Scale	Increase range for BSNL IDA pensioners than CDA Pensioners in total pension	Further increase in total pension if notional IDA is accepted
2610-3540	Rs.102-1123	Rs.114-1161
2650-4000	51-1075	109-1161
3050-4590	200-1184	41-1299
4000-6000	141-1096	116-1447
5000-8000	77-1113	93-1577
5500-9000	57-1163	99-1686
6500-10500	53-902	81-1334
7500-12000	234-2313	211-2943
8000-13500	88-2680	281-3249
10000-15200	18-2230	196-2577
12000-16500	194-1780	137-2349

THEIR WORRY IS THAT WE MAY GET MORE

DoP&PW sent a ID note to DoT on 31/1/2014 and para 7 & 8 of that note states

7) *If the proposal of DoT is accepted, it would result in a further increase in pension to those employees who had worked in IDA pay scale for just one to nine months.*

8) *As mentioned above, since the pension presently allowed to the BSNL absorbed employees is considerably higher than pension that would have been admissible under CDA scale, there seems to be no anomaly and, therefore, no justification for agreeing to the proposal of DoT for allowing pension by notionally revising pay in the IDA pay scale for the period the employees worked in CDA scale before absorption.*

On 27/2/2014 DoP&PW in their ID note requested DoT to re-examine their proposal keeping in view the fact that pension was substantially increased with the order issued on 27/9/2011. DoT is also requested to give the number/details of those cases where the pension

+ DR under the present dispensation is less than that the pensioner would have got if he had continued in CDA scale. DoT may also ascertain whether MTNL also have similar cases where employees retired within the 10 months of their absorption; if so, how their cases are proposed to be dealt with.

DoT forwarded the above 'note' of DoP&PW to BSNL on 7/5/2014 and asked for its comments. On 13/6/2014 BSNL corporate office, as usual, called for details from all heads of circles. After getting the inputs from BSNL, DoT analysed 90 cases (10 cases for each month between October 2000 & June 2001). The analysis showed the following:-

Total pension (Basic pension + DR) for IDA pensioners is more than their counter-part in CDA in NE 2 & NE 3. But in many other scales it is less and the following table may be seen:-

(See Table 2)

Table 2

D/O/R	Grade	How much less	D/O/R	Grade	How much less
31/10/2000	NE-5	Rs.42/-	30/11/2000	NE-9	Rs.106/-
-do-	NE-7	Rs.192/-	-do-	NE-10	Rs.137/-
-do-	NE-9	Rs.288/-	-do-	NE-11	Rs.223 & 266
-do-	NE-10	Rs.333/-	-do-	7500-12000	Rs.104/-
-do-	Ne-11	Rs.367 & 441	-do-	8000-13500	Rs.5/-
-do-	7500-12000	Rs.442/-	-do-	12000-16500	Rs.523/-
-do-	8000-13500	Rs.229/-	-do-	10000-15200	Rs.290/-
-do-	12000-16500	Rs.798/-	31/12/2000	NE-11	Rs.64 & 91/-
-do-	10000-15200	Rs.520/-	-do-	12000-16500	Rs.247/-
30/11/2000	NE-7	Rs.25/-	31/1/2001	12000-16500	Rs.28/-

WE PRESENT THE FACTS

23 IDA pensioners out of 90 are getting less total pension compared to their counter-part in CDA.

Then AIBSNLPWA wrote to DoT and DoP&PW stating the following concrete cases whose total pension was less compared to their CDA pension. (See Table 3)

Table 3

Name	DoR	Scale	Total pension In CDA	Total pension on mixture of CDA & IDA
N.N.Agarwal,UP	31/10/2000	10000-15200	Rs.9365/-	Rs.9280/-
N.Krishnan,KL	31/10/2000	5500-9000	Rs.5100/-	4992/-
C.G.Venkatesh,KT	30/11/2000	NE-10	Rs.5230/-	Rs.5117/-
Bhavani Amma,KL	31/12/2000	NE-11	Rs.5570/-	Rs.5514/-
C.Subbarao,AP	31/3/2001	14300-18300	Rs.12370/-	Rs.11951/-

New formula by DoP&PW that we rejected

After these details were sent to DoP&PW, that nodal department conceded that in nine scales i.e. 3050-4590 to 12000-16500 the total pension is less (ranging from Rs.5/-to Rs.798/-)to BSNL IDA pensioners compared to their counter-part in CDA.

DoP&PW vide their ID note No.40-10/2005-Pen(T) (Vol.II) sent a new proposal to DoT on 7/8/2015 (after AIBSNLPWA filed the case in PB, CAT) for calculating average emoluments for the last 10 months before retirement. The formula is as follows:-

Actual pay in CDA X (100 + DR in CDA)

100 + DR in IDA for the relevant period

Plus actual pay under IDA

DoP&PW also advised DoT to consult DoE. Accordingly this was referred to Department of Expenditure. DoE made the following observation: **"This issue has been raised by the Pensioner's Association in the SCOVA meetings also. It may be brought out how these Associations wish to settle the issue. Whether the formulation proposed by DoP&PW has been shared with them and if so, what is their point of view".**

WE REJECTED IT AS IT DID NOT REMOVE ANOMALY OF ALL

Proper Analysis

Accordingly DoT sent the proposal to GS (Com. Natarajan) on 13/11/2015 and sought his views on the formula. AIBSNLPWA leaders thoroughly studied the formula. They analysed 10 cases for each month (October 2000 to June 2001). Out of 10 retired in October 2000 no benefit for 6, for November it was 7, for December it was 2, for January, February, March and April 2001 it was one each. Out of 90 cases there was no benefit for 19 pensioners (22%). The dip/loss in pension is more for those who retired between October to December 2000 and 53.33% of these pensioners are not getting any benefit by DoP&PW proposal. No benefit for S/shri N. Munusamy (TN), G. Ponnappan Pillai (KE), S. Prabhakara (KR), B. Sivanandan (KE), K. Sivasankaran (KE), C. Dasan (KE), R. Ranganasthan (TN), P. Periyasamy (TN), B. M. Bavsar (GJ), P. Achankutty (KE), M. David John (STR), K. Pavanjan Nair (KE), S. C. Subramanian (TN), S. Parameswaran (TN) and Pranoyjyoti Chowdhry (AS).

By application of DoP&PW proposal, the benefit for others is less compared to AIBSNLPWA proposal. We submitted following Table (No.4) giving concrete cases.

Table 4

Col.1: Name of Pensioner. Col 2: Date of Retirement
Col. 3 DoP&PW Proposal:Basic Pension upto 31/12/2006,
Col. 4 DoP&PW Proposal: Basic Pension from 1-1-2007
Col. 5. AIBSNLPWA proposal : Basic Pension upto 31/12/2006
Col .6. AIBSNLPWA proposal : Basic Pension from 1-1-2007.

K.Subbarayalu	30/11/2000	Rs. 144	Rs. 315	Rs.1313	Rs. 2881
G.R.Dharmarajan	31/12/2000	Rs. 254	Rs. 558	Rs.772	Rs. 1694
T.K.Sundaramoorthy	28/2/2001	Rs. 388	Rs. 851	Rs.1281	Rs. 2811
R.L.Kapoor	31/3/2001	Rs. 299	Rs. 657	Rs.1155	Rs. 2811
A.S.Ramachandraiah	30/4/2001	Rs. 149	Rs. 326	Rs.378	Rs. 829
V.Ramachandran	31/5/2001	Rs. 115	Rs. 252	Rs.483	Rs. 1059
U.S.N.Murthy	30/6/2001	Rs. 49	Rs. 106	Rs.126	Rs. 275

AIBSNLPWA rejected DoP&PW proposal

After this thorough anyalysis, in response to DoT letter dated 13/11/2015 GS (Natarajan) wrote a detailed reply on 2/12/2015 to Secretary (T), Secretary (P) and Secretary (DoE). **AIBSNLPWA rejected the DoP&PW proposal with reasons.** The proposal was not backed by any lawThe proposal was not backed by any law or rule. Association also quoted Hon. Supreme Court judgement dated 14/8/2013 in CA 6770 of 2013.

On 19/8/2016 BSNL corporate office sent a letter to DoT with a comparative statement for 27 cases (3 for each month) about the benefit and financial implication of DoT proposal (Association's proposal for notional IDA pay) and DoP&PW proposal. The statement revealed that as per **DoT proposal** the benefit ranges from Rs.126/- to Rs.1768/- per month plus DR and the financial implication **for 4230** pensioners would be Rs.31,00,546/- p.m plus DR and as per **DoP&PW proposal** the benefit ranges from Rs.35/- to Rs.388/- p.m. plus DR and the financial implication would be Rs.5,43,320/- p.m. plus DR.

DoT referred both the proposals to DoE. In reply, DoE mentioned the following remark in their note *"It is felt that DoT is more or less relying only on the inputs given by the Association. DoT has not taken a stand in this case and they have simply referred the matter to this department to take a view in the matter. DoT is, therefore advised to examine the pros and cons of both the formulations keeping in view the justification along with the financial implication in both the cases. Thereafter refer the case to this department with a clear recommendation"*.

With this much correspondence, meetings, discussions and lot of waiting when it was found that the desired result was not forthcoming AIBSNLPWA filed the case. We did not rush to the Court. We had explored all other possibilities to settle the case. In fact, we had proposed to file the case in 2012 itself. Late Com. Chhidu Singh and Com. R L Kapoor arranged an advocate. As advance of the fees we paid Rs 20000 from CHQ to him. Then we understood that the file was moving in a positive direction in Sanchar Bhavan. We decided to wait and see. Com. Chhidu Singh managed to get the advance back from the Lawyer also. At last, when it was confirmed that the DoP&PW was not willing to settle the matter we took the final call. That followed by a prolonged legal battle for seven years and ended in an exciting finale that brought relief to 4000 and odd super senior citizens and their family members. Once we filed the case we did not take rest.

GRATUITY AND LEAVE ENCASHMENT WITH ACTUAL IDA
DPE OM No. W-02/0029/2021-DPE(WC)-GL-21 dated 25-10-2021

The undersigned is directed to refer to this Department's OM No. 02/0039/2014- DPE(WC) dated 19.11.2020, in regard to payment of Dearness Allowance (DA) during the freezing period from 01.10.2020 up to 30.06.2021 and to say that in terms thereof the rate of DA during the said period will continued' to be paid at the rates applicable w.e.f. 01.07.2020.

2. In view of the above order calculation of Gratuity and Cash payment in lieu of leave for CPSE employees IDA pattern who retired on or after 01 October, 2020 and up to 30.06.2021 have been made as per the above order.

3. Keeping in view that gratuity and cash payment in lieu of leave are one-time retirement benefits admissible to employees on retirement, the matter has been considered sympathetically. It has been decided that in respect of CPSE employees (IDA pattern) who retired on or after 01.10.2021 and up to 30.06.2021, the amount of DA to be taken into account for calculation of gratuity and cash payment in lieu of leave will be deemed to be as per the notional DA rates indicated in the annexure(s) to the DPE OMs dated 02.08.2021 and 03.08.2021 for different pay revision. The notional DA rates for calculation purpose are given below for different pay scales.

a) 2017 pay scale

Employees retiring during the period

From 01.10.2020 to 31.12.2020
From 01.01.2021 to 31.03.2021
From 01.04.2021 to 30.06.2021

**Notional percentage of DA
for calculation purpose**

20.9% of basic pay
23.7% of basic pay
23.2% of basic pay

b) 2007 pay scale

Employees retiring during the period

From 01.10.2020 to 31.12.2020
From 01.01.2021 to 31.03.2021
From 01.04.2021 to 30.06.2021

**Notional percentage of DA
for calculation purpose**

165.4% of basic pay
171.7% of basic pay
170.5% of basic pay

c) 1997 pay scale

Employees retiring during the period

From 01.10.2020 to 31.12.2020
From 01.01.2021 to 31.03.2021
From 01.04.2021 to 30.06.2021

**Notional percentage of DA
for calculation purpose**

348.1% of basic pay
358.7% of basic pay
356.7 0/ of basic pay

2. All administrative Ministries / Departments of the Government of India are requested to bring the foregoing to the notice of the CPSEs under their administrative control for necessary action at their end.

3. This issues with the approval of the competent Authority.

(Some other Tables and annexure omitted)

HUGE TAX DEDUCTED DUE TO MISTAKE OF BSNL

To
Shri P K Purwar,
Chairman Cum Managing Director,
Bharat Sanchar Nigam Limited,
New Delhi 110001.

Email dated 25-10-2021

Sir,

Sub: Discrepancies in Form-16/26 AS - issued to BSNL VRS 2019 retirees
– rectification requested.

BSNL CO, New Delhi issued Form-16 for AY 2021-22 to the VRS 2019 retirees for the payment of 2nd, 3rd and 4th instalments of exgratia on 30.06.2020, 17.07.2020 and 12.03.2021 respectively. It has been brought to our notice that around 3000 retirees of Tamil Nadu Circle, have been shown excess payment of exgratia in their form-16 as well as 26AS. This discrepancy is due to the duplication of 2nd/3rd instalment of payment of ex-gratia reflected in form-16. But, TDS recovery has been shown correctly. Because of duplication, the excess payment shown is in lakhs of rupees and the VRS retirees are not senior citizens. This resulted in calculation of advance tax for the so-called excess, because of duplication, according to IT portal. Unless correction is made in-time, VRS-2019 retirees would be forced to pay interest/penal interest, for no-fault of theirs.

Without correction in 26 AS/receipt of revised form-16, they are not able to submit IT Return for the AY 2021-22 and the last date is 31st Dec 2021. In this connection, Tamil Nadu Circle has already sent mail to BSNL Corporate office to rectify the same and so far no action has been taken. For illustration two such examples are quoted below:


Name	D.Kaliaperumal, Sr AO	V.Ganapathisubramanian, DE TRY
Per No.	98907228	98500044
PAN No.	AJEPK3928N	ADQPS5460H
Ex-gratia paid actually	1393233.00	1663184.00
Amount shown in 26 AS	1849540.00	2207895.00
TDS recovered	224089.00	308314.00

We understand that similar discrepancies are reported from other Circles also. We request you, sir, to kindly instruct concerned officers to speed up the correction work and make arrangements to issue revised form-16, to concerned officials and suitable action may please be taken with concerned IT authorities to correct the 26-AS to enable the VRS optees to file the IT return well in time. The copy of the details regarding the ex-gratia payment made, and IT Traces for the above two cases is attached herewith.

Anticipating your earlier action,

Thanking You,

Copy: AGM (Taxtion), BSNL CO.


P. Gangadhara Rao, **
General Secretary.

From the Media



DESPITE ALL CLAIMS

“ The Indian pension system ranked 40th on overall index ranking out of 43 systems, and had the lowest rank in the adequacy sub-index, according to a study.

The country needs to undertake strategic reforms to revamp the pension system so as to ensure adequate retirement income, according to the 2021 Mercer CFA Global Pension Index survey (MCGPI) released on 18-10-2021. In India, the report said introducing a minimum level of support for the poorest aged individuals and increasing coverage of pension arrangements for the unorganised working class for bettering the adequacy index. Introducing a minimum access age so that it is clear that benefits are preserved for retirement purposes is likely to go a long way in improving the sustainability index and the integrity index could be further elevated by refining the regulatory requirements for the private pension system, it said.

With little social security coverage in the country, the workforce in India has to manage pension savings on its own for the most part, it said. “The coverage under private pension arrangement is just about 6 per cent in India. With over 90 per cent of the total workforce being in the unorganised sector, measures should be taken to get a larger workforce under pension savings. This would go a long way in improving the adequacy sub index,” it said.

According to the survey, India had an overall index value of 43.3 among the countries analysed. The index highlights key strengths of retirement pension systems around three sub-indexes - adequacy, sustainability and integrity, where India scored 33.5, 41.8 and 61.0 respectively. The adequacy sub-index represents the adequacy of the benefits that are being provided, the sustainability sub-index represents the likelihood that the current system is able to provide benefits in the future, while the integrity sub-index includes many legislative requirements that influence the overall governance and operations of the system, it said.”

POLITRICKS OF PROTEST



THEN

NOW

THE PROTEST AGAINST FUEL/LPG PRICE HIKE