



ALL INDIA BSNL PENSIONERS' WELFARE ASSOCIATION

Central Head Quarters [Regd. No. T 1833/09]
Identified & Registered under 'Pensioners Portal'

D No.54-19-31, Lakshmi Gokul Enclave, Jayaprakash Nagar, LIC Colony, Vijayawada 520008

email: chqaibsnlpwa@gmail.com

Website: www.bsnlpensioner.in

Advisor: P S Ramankutty

Mob: 9447551555

President: D Gopalakrishnan

Mob: 9444010621

General Secretary: V Vara Prasad

Mob: 9440000482

Date:24/03/2023

To
Shri Uma Shankar Pandeyji,
Member (S), DoT, Sanchar Bhawan,
20, Asoka Road,
New Delhi-110001

Respected sir,

Sub: Non-grant of 78.2% merger benefit to nearly 600 pensioners by PCCA, TN despite judgement by CAT, Madras Bench– Request immediate intervention

Brief history

1) In accordance with the decision taken in the National council of BSNL, corporate office issued orders on 18/11/2003 for granting one extra increment in Grade III one year before the date of retirement for those who did not get the promotion of Grade IV. The order also stated that this extra increment will be reckoned for pensionery benefits.

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

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

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

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

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

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

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

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

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

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

- a) CCA, Kerala also denied the extra increment benefit to pensioners and our Association challenged before Hon CAT, Ernakulam Bench and got favourable orders. DoT filed an appeal before Kerala High Court and the appeal was dismissed. Ultimately DoT issued orders.
- b) Hon CAT, Chandigarh Bench also gave a similar favourable judgement and it was implemented.
- c) Natural justice demands (i) any order can be only prospective and not retrospective that too after 15 years (ii) opportunity should be given before taking any decision.

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

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

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

Thanking you

Yours faithfully,



(V.Vara Prasad)
General Secretary.

Encl:

- 1) Details about beneficiaries in TN
- 2) Hon CAT, Madras Bench judgement dated 17/02/2022

The total number of 78.2% IDA merger beneficiaries were 16846 under PCCA, TN. Out of this, approximately there were 6,000 who got the benefit of 78.2% IDA merger with extra increment before the receipt of 07/03/2017 DoT order.

Out of this 16,846, the following categories have to be excluded:-

- 1) Executives
- 2) Non-executives retired before June 2003 (because this extra increment is given only from June 2003 as per BSNL C.O order dated 18/11/2003)
- 3) Non-executives who opted for NEPP

If the above categories are excluded then it may be approximately 6000 or more.

The following officials who belong to restructured cadre got 78.2% IDA merger with extra increment

SI	Name	DoR	PPO No
1	N Gopalakrishnan	31/03/2010	210025908
2	R Krishnamurthy	31/12/2004	210016599
3	D Anbalagan	31/07/2012	210030598
4	K Venkatramanan	31/03/2004	210002306
5	S Chidambaram	31/07/2008	602008071223784
6	A Ahamed Mohideen	31/07/2005	210009362
7	E Angappasraj	31/08/2004	210009871
8	G Ganesan	30/06/2004	210013169
9	K Gomathi	31/05/2005	210004053
10	N Hariharaputhiran	31/12/2005	210015614
11	K Muthusubramanian	30/11/2003	210004050
12	S Pattan	30/11/2004	210014962
13	S Pitchandy	31/05/2005	210016180
14	T S Rengarajan	31/01/2005	210009344
15	A Seenivasagam	31/08/2005	210009363
