



Regd No. T1833/09

ALL INDIA BSNL PENSIONERS' WELFARE ASSOCIATION

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

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Dr Neeraj Mittal,
Secretary, Telecom,
Sanchar Bhawan,
New Delhi.

Respected Sir,

Sub: Pension Revision for absorbed BSNL/MTNL retirees from 01/01/2017 on the basis of 7h CPC fitment factor - reg

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

Justification

- * C.G pensioners and BSNL/MTNL pensioners (combined service optees) are covered under the same CCS (Pension) Rules 1972 and all the retirement benefits including gratuity are similar to both of them.
- * Both C.G pensioners and BSNL/MTNL pensioners are getting their pension/family pension from Central Civil Estimates.
- * Almost all the recommendations of CPC like pension formula, enhanced family pension, age-related additional pension, commutation table etc. are made applicable not only to C.G CDA pensioners but also to BSNL/MTNL IDA pensioners.
- * The minimum & maximum pension of BSNL/MTNL IDA pensioners are linked to the minimum/maximum pay of Central Government.
- * Central Government pensioners are getting pension revision every ten years. Absorbed BSNL/MTNL retirees got their pension revision from 01/01/2007 and hence it is due for revision from 01/01/2017.
- * As per the statutory rules, pension including family pension is paid by Gol and 100% liability lies with Gol (as per DoT OM dated 20/7/2016)

Non-revision results in loss of pension

Because of non-revision of pension from 1/1/2017, some pensioners who retired between October 2000 and December 2006 are getting less pension compared to their counterpart in Central Government. For example, one Shri P S Ramankutty who

retired in 2004 is getting Rs.1677/- less per month in total pension as on 01/01/2017 compared to his counterpart in Central Government.

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

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

Court Verdict

Since the issue could not be settled through discussion we filed a petition before Hon PB, CAT, Delhi in 2020 (OA No.100/1329/2020)

* Hon. PB, CAT, Delhi pronounced its judgement on 20/09/2023 in clear terms, without any ambiguity, directed the respondent viz. DoT, to revise the pension at par with Central Government pensioners within 10 weeks time from the date of receipt.

* In the absence of any guidelines for pension revision to absorbed BSNL/MTNL employees, it is requested to treat the above judgement as a guideline for pension revision to absorbed BSNL/MTNL pensioners and implement the above judgement because it would provide a permanent solution.

* Not only lawyers of the department argued before the Hon. Bench but also **Director (Estt.of DoT) Shri Raj Kumar** appeared and placed the department's views both on 10/07/2023 & 13/07/2023. They placed their arguments quoting CAT judgement of Emakulam, Hyderabad & Bengaluru; stated about so-called incentive at the time of absorption thereby getting more pension; cease to be government employee on the date of absorption as per sub-rule 4 of Rule 37-A of CCS (Pension) Rules, 1972; the petitioners demand both the benefit of PSU & Government; result in anomaly to post-2017 retirees in the absence of pay revision etc.

* So, Hon. PB, CAT, Delhi gave sufficient opportunity to both the parties to present the case. After careful consideration of the arguments, based on documentary evidence, the judgement was pronounced. So, it is a well-considered judgement.

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

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

We quote para 22 of the judgement ***"The facts of the case are not disputed, nor is questioned any documents relied upon by the respective parties. There is no ambiguity that at the time of their placement and absorption in BSNL and MTNL, it was categorically stated that the erstwhile employees of the Department of Telecommunication shall continue to be governed by their existing terms and conditions of the service which means that they shall continue to be treated as government servants for all intents and purposes. It is also not in dispute that from time to time, the recommendations of government, were made applicable in their case too.***

There is no ambiguity with respect to the general terms and conditions governing absorption, as circulated and quoted in para 5 of this order, stating categorically the

provisions of Rule 37-A of the CCS (Pension) Rules, shall guide payment of pension to their employees".

We quote para 28 It is clarified that the benefits of revision of pension and family pension as notified by the Central Government on the recommendations of the Pay Commission, shall stand extended in favour of the applicants, analogous to the revision of such pension in case of Central Government pensioners".

How to implement the above-referred judgement?

- i) The Central Government pensioners got their pension revised from 01/01/2016 merging basic pension and dearness relief (125%) plus 32% of basic pension. In other words, the basic pension as on 01/01/2016 was multiplied by 2.57.
- ii) In the case of BSNL/MTNL pensioners their pension has to be revised from 01/01/2017 by merging their basic pension and dearness relief (119.5%) plus 32% of basic pension. In other words, the basic pension as on 01/01/2017 has to be multiplied by 2.515 for those who retired prior to 01/01/2017.
- iii) In the case of BSNL/MTNL pensioners who retired after 01/01/2017 (without pay revision) to avoid any anomaly and treat the pensioners as a homogenous class, their basic pay as on 01/01/2017 may be multiplied by 2.515 notionally and they may be allowed increments, stagnation increments, if any, on such notional pay till their date of retirement. Their pension may be fixed at 50% of such notional pay. There are precedences for fixing the pension on notional LPD. For example, accounts cadre pension was fixed on notional pay from 1996 to 2003; **even in BSNL, when the merger of 78.2% IDA merger was implemented, their pension was determined on the basis of notional pay for those who retired between 01/01/2007 & 09/06/2013; the central government pensioners got their pension fixed at 50% of notional LPD (from 01/01/2016) on the basis of a committee's recommendation headed by Secretary, Pension and approved by the Cabinet.**
- iv) The method suggested in point (iii) above will not involve additional burden on BSNL/MTNL which are facing continuous loss; those PSUs have already paid the pension contribution at the maximum of the pay-scale and not at actual pay for those who retired after 2017 also; need not require amendment to Rule 37 (15). It is enough if the Cabinet gives its nod.
- v) The minimum pension and minimum family pension should not be less than Rs.9000/- per month from 01/01/2017.

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

Thanking you

Yours faithfully,



(V Vara Prasad)

General Secretary