

# PENSIONERS PATRIKA

BIMONTHLY JOURNAL  
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## Editorial

# The Vision and the Mission

Any person, mentally fit, sets certain aims and objectives for his journey. As he grows the aims and objectives may change. It is true for any organization growing. In 2009, we had one target; Pension Revision at any cost. Authorities told that 'Pension revision in PSU is impossible.' Many pensioners too believed so. But we made it possible. Then we improved it. 68.8 was made 78.2. The obnoxious ratio of 60:40 for payment of pension was annulled and it was made 100% responsibility of government. Now, we must change our target for a permanent solution to the problem.

22 years ago, three lakhs people working in government service moved to BSNL with high hopes and some dreams, which all disappeared like lines drawn on water. No purpose is served by accusing anybody. We ourselves have to solve our problems and nobody else will wage a war for us. We are sailing through a tough sea. Top officers in DOT, dead against pensioners, do not miss a straw to pull back and deny justice to us. Some strange brains demanded zero fitment benefit for pay revision, a proposal never heard in history nor supported by any rule or principle. Though it is not yet settled the DOT officers are trying to impose this 'unsettled formula;' on our pension revision. We are happy that majority of the BSNL/MTNL leaders are determined to jointly defeat this vicious game. This issue shall be the main agenda before our ensuing AIC at Visakhapatnam. Reception Committee is spending Rs 70 lakhs to host the conference. 1300 and odd delegates may be spending another Rs 30 lakhs for travelling. We cannot waste this discussing silly issues and petty quarrels. National conference is a venue for debating national issues.

We have brought out 55 issues of printed journal so far. Still, it reaches only a small section of members. Main problem is language. We cannot bring out journals in all major Indian languages. We explored the possibility of printing a journal, complete in Hindi. The English edition costs about Rs 85 per copy per year. Hindi edition may cost Rs 120. Four or five people have to work full time for translation, proof reading and posting. In spite of all these efforts, we face the problem of non-delivery of printed magazines by post offices.

The world has changed. New technology is available on your finger tip. If all our branches launch Whatsapp groups with at least 100 participants each we can directly communicate with more than 30000 members, once in a month or week or even daily; in any language and that too instantaneously. It is easy to preach but difficult to practice. It is not simply repeating information what was received. Every district leader must acquaint himself with the rules and regulations, modifications made thereon and the changes often made in the pension system. We must adapt the changes. Old guards must give way for new bloods and brains. All of us must assimilate the technological inventions and be ready for a new era. Let us go to Visag with a vision and come back with a mission, well defined and well planned.



GS  
WRITES

## TO THE AIC

Dear friends,

We will be meeting in AIC at Visakhapatnam, the 'City of Destiny', in first week of December 2022. The estimated expenditure for the ensuing conference is around Rs. 60 lakhs. Arranging comfortable accommodation to 1500 delegates, aged 60 and above, is a challenging task and quite costly too. Some comrades suggest that we must meet for three days. For three days it may be Rs. 80 lakhs or more. In that case no branch will come forward to host our AIC. Keeping this in mind, we propose some amendments to Constitution to reduce the number of delegates and to reduce the burden of host branch.

**AIC Fund:** The Reception Committee may get Rs. 15 lakhs as Delegate Fee. Even a big circle like AP cannot raise Rs. 45 Lakhs. Hence, as done last time, we requested all branches in the country to send AIC fund to CHQ @ Rs. 50 per member. Some branches have done it. Many have not yet done. We cannot go to public or businessmen for donation. We ourselves must bear the expenditure for our conference. So, once again I appeal to all to please remit your quota before 20-11-2022.

We have limited time at disposal in two days conference. To utilize the limited time available I am proposing following for strict compliance by all participants.

**1. Registration:** Delegates shall be admitted strictly according to paid up membership as on 31-3-2022. After notification of AIC some branches have remitted their quota for 2019 now in 2022. Such belated remittance cannot be counted for this AIC. Each District Secretary should come with Credential Forms containing names and signature of Delegates. After getting signature of respective Circle Secretary, District

Secretary shall register the delegates at the Counter and collect badges and documents for all the delegates of his Unit. The delegates need not wait in queue for the purpose.

**2. ID Cards:** In two circle conferences extra delegates were admitted and contest took place in elections. That led to some unfortunate dispute and disruption. Therefore, to avoid such complaints, we will issue Identity cards (in addition to Badges) to every delegate to the AIC this time. In case there is a contest in election of office-bearers only eligible number of delegates can vote. Before casting votes the delegates have to submit the ID cards.

**3. Debate:** Time slots will be allotted to Circles based on membership. Circle Secretary shall submit list of speakers and ensure that time allotted to the Circle is strictly and properly utilized. Circle Secretaries are part of CWC. They can express their views in CWC meeting to be held from 3 PM on 1-12-2022. Delegates can participate in the debate in AIC. In no case, excess time shall be allowed. We have to finish the conference in time as per schedule.

**4. Food Coupons:** Reception Committee shall issue food coupons to every participant who shall tender the same at the food counters.

**5. Resolutions:** Resolutions should be submitted in writing to Resolution Committee through CHQ.

**6. Draft Report:** Draft Report is printed in this Patrika. If any participant desires any modification please move amendment in writing quoting page and paragraph numbers.

I solicit full cooperation from all of you.



ALL INDIA BSNL PENSIONERS' WELFARE ASSOCIATION  
CENTRAL HEAD QUARTERS

**Report on the activities since Puri AIC up to date, to be placed before  
the AIC at Visakhapatnam on 2nd and 3rd December 2022**

**1. Obituary**

1a. The period of four years passed since our Puri AIC was unprecedented, terrifying and wearisome. It was a period of loss – of time, opportunities and lives. The Coronavirus Pandemic infected 60 Crore people the world over and it killed 65 lakhs including notable personalities in all fields of human activities. India too lost many a celebrities during the period due to Covid or otherwise. Our Association lost number of active leaders and comrades during this period of four years. We mention hereunder only few names.

1b. On 31-8-2020, Bharat Ratna **Dr. Pranab Mukherjee**, former President of India expired. He left an indelible mark on the development trajectory of our nation. A scholar par excellence, a towering statesman, he was admired by all across the political spectrum. On December 8, 2021, the Nation lost its first Chief of Defence, **General Bipin Rawat**, in a helicopter crash over Niligris hills in Tamilnadu along with his wife and 11 others.

1c. On 25-9-2020 the legendary singer **Shri S P Balasubramaniam**, who had more than 42000 songs in 16 Indian languages to his credit succumbed to the pandemic. Celebrities of Indian Art arena like Dilip Kumar, Pandit Jasraj, Chetan Chauhan, Rishi Kapoor, Irrfan Khan, Chiranjivi Sarja, Wajid Khan, Basu Chatterjee, Soumitra Chatterjee etc. also expired during this period of four years. During the period we lost legendary sportsmen like P K Banerjee and Milkha Singh.

1d. Immediately after the Puri AIC we were shocked to receive the sad news about untimely demise of **Shri H N Anantakumar**, former Minister for Parliamentary Affairs, on 12-11-2018. Shri

Anantakumarji could understand the intricate problems of our pension revision as well as the confusing 60:40 formula for sharing pension liability of Telecom pensioners and he was quick in finding a practical and pragmatic solution to such problems too. During this period of four years five former ministers of Communication expired; **Sri George Fernandez** on 29-1-2019, **Smt Sushama Swaraj** on 7-8-2019, **Sri Beni Prasad Verma**, on 27-3-2020, **Sri Ram Vilas Paswan** on 8-10-2020 and **Pt. Sukhram** on 10-5-2022.

1e. On 26-11-2019, we lost one of our tallest leaders, **Com. S Arunachalam**, who was elected as Asst. General Secretary at Puri AIC. Com Arunachalam was a soft spoken dedicated leader, with deep understanding of rules and issues and long experience in TU movement. **Com. K. Nagamurthy**, CHQ Vice President expired on 28-12-2021 due to massive cardiac arrest. He was most active till his last breath. **Com. P. L Hirpara**, our circle secretary of Gujarat expired on 24-10-2021 after a short illness. **Com. B S Saini**, circle president of our association in Punjab since 2009 expired on 28-1-2021. Com. Saini was a vibrant personality at Patiala, engaged in many social activities. **Com. V Ramachandran**, the Founder President of our Kerala Circle Unit and one of the Applicants in our Pension Anomaly case, expired on 26-8-2022. **Com. Khatu Bhoi**, district secretary, Sambalpur, Odisha breathed last on 27-1-2021. **Com. Murugan**, DS Vellore expired on 24-2-2021. **Com. Balakoteswara Rao**, DS Guntur expired on 5-5-2021. Covid19 had taken away from us another leader. **Com. R Ramachandra Rao**, former all India Vice President and former District Secretary West Godavari on 29-5-2021. He lost his son on 12th May 2021 due to covid19. Com. Rao took special

initiative to enroll all members as life members and West Godavari branch became the first major branch in the entire country to have 100% life members. **Com. B Kondaiah**, veteran leader at Vijayawada expired on 30-12-2021. **Padmasri Chembolu Seetharama Sastry**, our Member at Vijayawada and notable Telugu lyricist died on 30 November 2021. **Com. Ramesh Chandra Dauka**, former Assam circle secretary of our association died on 25-7-2019 after a fatal accident. On 23-3-2020, **Com. Sher Singh**, the former circle secretary of our UP West circle expired at Meerut. **Com. T S Vittoban**, our CHQ **Treasurer lost his son in law on 30-6-2020.** **Com. B P S Chauhan**, Circle Secretary, Chhattisgarh lost his **wife** Smt. Rajashree on 31-1-2019. Smt. D Ranganayagi Ammal (75), **wife** of **Com. G R Dharmarajan**, Vice President of our Tamilnadu circle expired on 30-5-2019. **Com. Rajit Kumar Mukhedrjee**, former CHQ Organising Secretary from West Bengal lost his **wife** on 18-12-2021.

**1f. his All India Conference pays rich tributes to all the above men and women and good number of our active workers who left us during the report period.**

## 2. International scenario

2a. The report of UN Department of Economic and Social Affairs predicted slowdown of economic progress world over in the post pandemic situation. The report warned that *"the pandemic will continue to pose the greatest risk to an inclusive and sustainable recovery of the world economy. The developing countries will take more time to recover than wealthier nations. The number of people living in extreme poverty will remain well-above pre-pandemic levels. the absolute number of people living in poverty may rise through 2023. The pandemic has put many countries on the verge of a debt crisis and employment losses"*

2b. Pension systems around the world faced a "stress test" during the pandemic, described as

"pension pandemic paradox.". Pension Funds became a soft target of attack in many 'advanced nations'. Pension reforms were halted; pension fund was diverted to face the financial crisis. Corporate Pension Funds in US and some other capitalist countries launched a "save more future" campaign to enrich their Fund capital. The much praised solid healthcare systems of 'advanced' countries fell like paper cards. Covid did not spare anyone based on region or religion, caste or creed or colour, faith or wealth. "Resilience" is the capacity to cope with difficult situations. Though resilience has strong impacts on the recovery of physical, cognitive, and mental health during the COVID-19 pandemic, it was usually worse among older adults with chronic conditions or functional limitations. The Covid19 pandemic has declared the opening of a new era of care for older people stressing upon the need of healthy aging for well-being of older persons. Loneliness has been a severe public health concern among the elderly population during the COVID-19 pandemic. No Nation can remain locked down for long. The World is limbing back to normalcy. The history is now divided as BC and AC (Before Corona and After Corona.)

## 3. National scenario

3a. We cannot ignore impact of the pandemic on the daily lives of our members while reviewing the situation prevailing. Our country stands second in the world with 4.4 crore infections and third with 5.3 lakh deaths. An article in Outlook magazine stated; "Till the 2020 lockdown, the mainstream economic narrative in India used to be that of the fastest-growing economy of the world. The reverse migration of millions of workers from cities to villages exposed the deepest fault lines of that narrative. On 22 March 2020, when middle-class India was busy banging utensils, migrants had already started crowding bus terminuses and railway stations. Still, nobody could imagine the extent of this crisis. Amidst multiple and often conflicting government orders, terrible road and train accidents and police highhandedness, a

devastating human tragedy played out. Millions of people took the highways in absolute desperation, at times to walk back 1,500 KMs or more. Even at a conservative estimate, this was the largest internal migration in recent human history. If migration was India's largest poverty alleviation programme, then this reverse migration was definitely the single biggest burst of unemployment in post-reform India".

3b. According to the Labour department, India has a total workforce of 47.41 crore. More than 44 crore are in the unorganized sector. Before the lockdown, 52% of them were self-employed and 24% of them were daily wage earners – they were completely beyond the scope of any social security. Even among the 24% who had a salaried job, more than half were not eligible for a single social security measure out of the four available – Provident Fund/pension, gratuity, healthcare and maternity benefits. For this vulnerable section Life was more valuable than Livelihood. Hence the great human exodus from cities to villages took place when lockdown was clamped. A section of them has gone back by this time and many others could not. However, soon India came out of the panic situation with its indomitable will. Though we are in a safe zone of social security with statutory pension, we too were shockingly affected by the pandemic and its ramifications. We, like all other organizations, could not hold physical meetings or undertake any programme of action during the lockdown period. The situation halted our progress significantly. But we did not perish. We survived the crisis. Still the hangover of lockdown is not over. Many remain confined to their homes.

### **BSNL infected by virus of VRS**

3c. When the whole world was infected by coronavirus BSNL was infected by another virus, the voluntary retirement scheme, during the same period. BSNL, once a *maharatna* company, could not pay the salary to its staff on time. The employees at many places had to run the office paying electricity bills from their own salary. 78,323 such employees

were thrown out of service under VRS on 31-1-2020. The office with depleted staff could not process their pension cases in time. It was AIBSNLPWA which demanded, on 4-2-2020 itself, sanction of provisional pension to mitigate the misery of people thrown out to streets. BSNL Corporate Office accepted our demand and issued orders within ten days. Still, payment of ex gratia was delayed. It was paid in four installments against two installments as assured. We have done whatever possible to help the VRS optees. Even though some VRS pensioners approached Court of Law against this violation of assurance the Court did not render justice to them. Similarly, one union obtained an order from one High Court against freezing of IDA of serving staff and another High Court ordered that the Government had the ultimate power to decide the matter. Justice is a mirage for toiling masses.

## **ORGANIZATION**

### **4. Third Triennial AIC:**

4 a. Jabalpur comrades were ready to host the third Triennial AIC. But due to some internal difference of opinion in MP Circle they later on withdrew the invitation. Then Shri J K Tripathy, CHQ Vice President came forward to host it in Odisha. Finally the All India Conference was conducted in the temple city of Puri, Odisha on 22nd and 23rd September 2018. Odisha comrades proved that they are small only in size but not in imagination and performance. Of course, there were some short-comings which led to legal complications. We learnt lessons from it and have decided to take precautionary measures this time.

4b. The pre-AIC CWC met on 21-9-2018 and approved the Report and Accounts as well as some amendments to the Constitution. While the CWC was in session, the sad news reached that Com. P C Moitra, former CHQ Vice President who came to Puri as a delegate had a massive heart attack. Comrades J K Tripathy and B N Behera took Com. Moitra to Puri District hospital immediately. By that time Com. Moitra had left this world.

In the absence of any special guest, S/s Rajib Shekhar Sahoo (Chairman, Reception Committee), P S Ramankutty, G Natarajan, D Gopalakrishnan, P Gangadhara Rao, K. Muthiyalu, T.S.Vittoban, A P Saraswathy, J K Tripathy and others jointly lighted the lamp marking the formal inauguration of the big event. At 11.10 AM on 22-9-2018, Shri U S Panda, the Principal General Manager, BSNL, Bhubaneshwar SSA released the Book titled; "PENSION IS RIGHT", compiled by Com. D Gopalakrishnan and edited by Com P.S.Ramankutty, handing over the first copy to Com. Ramesh Mohanty, Odisha Circle President. Com. D Gopalakrishnan briefed the contents of the Book.

4c. 770 delegates and 458 observers were admitted. In addition, more than 300 observers attended from Odisha circle. The Delegate Session started at 1500 hours after lunch. All CHQ Office bearers except Com. Anupam Kaul and Com. K G Deshpande, who had taken leave, were present. Similarly, all Circle secretaries except Com. Chouhan of Chhatisgarh, Com. Anupam Kaul of Delhi and Com. Hirpara of Gujarat, who took leave, were present. The concerned circles were represented by deputed comrades. Circle Secretary of Kolkata Telecom Factory was absent.

4d. After paying Homage to martyrs of September 19th strike of 1968, General Secretary Com. G Natarajan, assisted by Comrades Gangadhara rao, Muthiyalu, Vittoban, T.S.Pillai, Rama Rao, Adinarayana and Dahiya presented the Report on the activities of CHQ after last AIC in Bangalore up to 31st August 2018. Com. T S Vittoban, CHQ Treasurer then presented the Accounts and auditor's report for three years (2015-16, 2016-17 & 2017-18). Com. JS Yadav, Joint Secretary of RTOWA, MTNL Mumbai then addressed the Delegate Session and called for united movement to get pension revision for BSNL/MTNL retirees with CPC fitment benefits. In the serious debate that followed on Report, Accounts, Organizational matters and Issues concerning BSNL pensioners, 42 comrades participated. Intervening in

the debate Com. D Gopalakrishnan, Vice President, placed a resolution on future programme of action which was adopted. The conference elected following office bearers unanimously:

**President:** Sri. P S Ramankutty, Kerala

**Vice Presidents:** S/Sri. D. Gopalakrishnan (Tamilnadu), G Natarajan (Chennai TD), G Babu (Karnataka), J K Tripathy (Odisha), A Sudhakara Rao (Telangana), Rajendra Chowdhary (Bihar), V S Thakur (MP), R H Mitkary (Maharashtra), K Nagamurthy (Andhra) and A Sugumaran (Tamilnadu).

**General Secretary:** Sri. P Gangadhara Rao, Karnataka

**Dy. General Secretaries:** Sri. K Muthiyalu (Tamilnadu) and Sri. Varaprasad (Andhra)

**Treasurer:** Sri. T S Vittoban (Chennai TD)

**Asst. Treasurer:** Sri. V Rama Rao (Tamilnadu)

**Asst. General Secretaries:** S/sri. Anupam Kaul (Delhi), H S Prasad (Chhatisgarh), Ms. V Rathna (Chennai TD), Radhakrishna (Karnataka), R N Pada Nair (Kerala), J S Dahiya (Haryana), Gyan Singh (Rajasthan), S Arunachalam (Tamilnadu), Bhaskar Nayak (Odisha) and Jagdhir Singh (UP West).

**Organising Secretaries:** S/Sri. R S N Murthy (Andhra), Smt A P Saraswathy (Kerala), N Somanadham (Telangana), Syamalendu Bhattacharjee (Assam), B C Joshi (Gujarat), Chandrika Singh (Jharkhand), Atmaram Verma (Punjab), Mahatma Pathak (UP East) and Satya Ranjan Dutta (West Bengal)

4e. After the Subject Committee the new CWC met and took certain decisions which were promptly reported in Pensioners Patrika of November-December 2018. As already indicated, Shri S Arunachalam and Sri K Nagamurthy who were elected as AGS and Vice President respectively in last AIC are no more.

## **5. Kanyakumari CWC**

5a. Even though we have no member at Kanyakumari we held our CWC meeting there in February 2019.

Our President Com. PSR took the responsibility to make necessary arrangements. Com. Chellaiah (DS Nagercoil) and 15 comrades of our Nagercoil SSA Unit rendered all help to PSR. Time available was utilized for serious debates on organizational matter and main issues. Com. GN Hariharan Nair, the CS of DOT-BSNL Pensioners Association, Kerala, (a constituent of CBMPA ) greeted the meeting.

5b. Some CWC members could not attend the Kanyakumari meeting for personal reasons. Com. DG, our senior Vice President though started from his house developed some uneasiness before reaching railway station in Chennai. Immediately he was taken to hospital for check up. Comrades A Sugumaran, H S Prasad, A Sudhakara Rao, Jagdir Singh and S R Dutta also could not attend CWC as also Circle Secretaries of Chhatisgarh, Haryana, Jhar khand, Kolkata TF Telangana and UP West.

5c. CWC adopted few resolutions as:

i) Demand the Minister for Communication to honour his assurance given to AUAB that pension revision would be delinked from payrevision in BSNL.

ii) Demand the DoT to resubmit the File on delinking to DoP&PW with concrete proposal on pension revision as required by DoP&PW, without further delay.

iii) Release sufficient funds to clear all pending bills and pay in full the quarterly allowance under BSNLMRS.

iv) DoT should directly pay the premium to CGHS, as one time measure, so that the pensioners can migrate from MRS to CGHS. Since many of the pensioners are residing in areas not covered by CGHS at present, CGHS Wellness Centres should be opened in all remaining district headquarters in the country.

v) Augment staff in CCA offices to launch the CPMS effectively and within the time frame.

vi) Start Pension Adalat at the national level for sorting out issues related to BSNL pension.

### **Secretariat**

5d. Major problem in convening CWC is in getting train tickets on short notice. Therefore, CWC decided to constitute a CHQ Secretariat with the following 12 comrades, to meet occasionally and to take collective decisions: P S Ramankutty, P Gangadhara Rao, Vara Prasad, K Muthiyalu, D Gopalakrishnan, G Natarajan, T S Vittoban, V Rama Rao, A Sugumaran, V Ratna, R Venkitachalam and S Thangaraj

### **Important Decisions**

5e. CWC declared full support and solidarity to the serving staff and their unions in their efforts to get a reasonable and decent wage revision. CWC called upon branches to extend all possible help and support wherever possible.

5f. Based on information received through whatsapp, CWC felt that the AUAB may be forced to make some understanding for pay revision with 0% or 5% fitment and such an understanding between BSNL company and the staff unions in no way is binding on pension revision which is an entirely different issue to be decided by the Department of Telecom. Hence, we shall continue vigorously our efforts to get pension revision with CPC fitment benefits. No benefit shall come to us automatically or as Grace.

5g. CWC authorized the CHQ Secretariat to take appropriate action at the appropriate time to realize our just demand for pension revision. Though it is time consuming and costly, legal remedy can also be considered.

5h. CWC called upon branches to approach MPs and enlist their support to our efforts and demand. Efforts may be made to submit the memorandum on our demand to the Prime Minister whenever he visits different places during election campaign. CWC directed the CHQ to hold a National Convention of BSNL/MTNL pensioners in New Delhi in consultation with CBMPA constituents. Efforts should be made

to ensure participation of leaders of all central trade unions in the Convention.

5 i. CWC expressed its anger and anguish over the most negative and recalcitrant attitude of bureaucrats in DoT explicitly expressed by not submitting concrete proposal on pension revision as required by the Department of Pension & Pensioners Welfare.

### Next CWC Meeting abandoned

5j. CHQ had notified next meeting of CWC at Gorakhpur (UP) on 15<sup>th</sup> March 2020. But outbreak of the pandemic and panic situation all over the country forced us to postpone it to May 2020 and finally abandon the meeting.

5k. Virtual CWC meetings were held on 12<sup>th</sup> December 2021 and 5th June 2022.

### Membership:

6 a. Our total membership based on quota received by CHQ up to 31st March 2022 was 63656, out of which Life membership was 63019 and three years' average Annual membership was 637. The annual membership is varying always. In the year 2021-2022 it has come down to just 39. During lockdown period it became impossible for Branch functionaries to meet the pensioners in person and collect yearly subscription. However, during the last six months after March 2022 we could add 3264 life members, making the total 66283. Following Table gives a true picture of our membership at the end of each Financial Year:

At the end of	LMs	AMs	Total
March, 2012	2463	12096	14559
March, 2013	5834	10785	16619
March, 2014	10268	9289	19557
March, 2015	15661	7878	23539
March, 2016	19264	5854	25118
March, 2017	24753	3422	28175
March, 2018	35796	3798	39594
March, 2019	42639	1960	44599

March, 2020	49729	1002	50731
March, 2021	59826	317	60143
March, 2022	63019	39	63058
Sept., 2022	66283		

6 b. Though three branches are opened in Himchal the Circle conference is not yet held. Uttranchal Circle Unit was formed with one branch at Dehradun. It is yet to be functional. We could not make any breakthrough in J&K, NE I and NE II circles. Tamilnadu, Andhra, Karnataka, Telangana and Chennai TD Circles have shown fantastic improvement in Life membership despite pandemic. Following 15 District branches have more than 1000 life members: Bangalore, Hyderabad, Ernakulam, Madurai, STR Chennai, West Godavari, East Godavari, Coimbatore, Vijayawada, Visakhapatnam, Tirunelveli, Villivakkam, Cuddalore, Guntur and Thanjavur,

6c. These 15 branches constitute 36% of total Life membership in the country. It reveals the uneven growth of our Association. 33 District Units, including the above 15, having more than 500 membership, represent 36500 members, which is 56 percent of total.

### Whatsapp Groups

7. Whatsapp is the fast and cheap communication facility in the present world. Our CHQ has four WA Groups, maintaining constant contact with about 500 units and functionaries. In turn, 16 Circle Units maintain their own WA Groups, enabling to contact daily about 800 circle level office bearers. CHQ directly communicates with 131 District Secretaries most of whom have their own Groups. Through this nationwide network the Association is able to maintain constant contact with more than 15000 activists. It is quite insufficient considering our total membership. Some Circle Secretaries do not utilize the WA groups promptly also. All Circles and Districts should open WA groups and maintain them regularly so that every information can be shared with maximum number of members instantaneously.

### **Pensioners Patrika**

8. After Puri AIC we released 18 issues of Patrika. Due to pandemic we could bring out only two issues in 2020 and three issues in 2021. However we brought out 15 issues of Ejournal during the period. Many subscribers do not get their copies through post offices even though it is regularly posted by our Chennai comrades. Another problem is that large number of members cannot understand English. Hence we tried to bring out few pages in Hindi. We thank Com. K S Jat of Jabalpur and Com. BA Alwares of Indore for translating the matter. Still we confront synchronization problem of software.

### **Identification by DoP&PW**

9. Standing Committee of Voluntary Agencies (SCOVA) is functioning for many years to consider and settle issues concerning central government pensioners in the country. Though we are not satisfied with its track record we applied for permission to participate in SCOVA as we represent government pensioners. Five organizations are permanent members of SCOVA while some others are permitted to participate by rotation. For second category there are about 45 organizations. Now, in April 2022 DoP&PW has identified our Association as a registered association under "Pensioners Portal", a mission mode project under National e-Government Plan of Govt. of India. Our turn may come at a later date for participation in SCOVA.

### **Unfortunate Disputes**

10 a. Punjab circle conference was held on 13th November 2021 at Phagwara in the presence of Com. Anupam Kaul, our AGS. Soon after the conference CHQ received a complaint from Shri A S Hudal, Circle Vice President and District President of Chandigarh stating that the election in the said circle conference was unconstitutional. CHQ promptly obtained a report from our AGS. He reported that election was conducted in the presence and active participation of the complainant who himself associated with counting of votes also and he got 1/3rd votes in the

contest for Circle Secretary post. Had he any grievance he would not have associated with the election process. Hence, based on the report of AGS, CHQ dismissed the complaint from Shri. Hundal.

10 b. MP Circle Conference was held on 25<sup>th</sup> and 26<sup>th</sup> June 2022 at Bhopal. Outgoing Circle Secretary did not ask for any observer from CHQ. However, our CHQ Vice President Shri. V S Thakur was present. While the conference was in session District Secretary of Gwalior contacted the GS and informed that Circle President and Circle Secretary were resorting to gross violation of Constitution. Six District Secretaries sent whatsapp messages on the same day of 26-6-2022 alleging same irregularities. Later on GS received a written complaint from District Secretary of Indore. CHQ obtained a report from Shri. V S Thakur on the said complaint who dismissed the allegations. CHQ received two lists of office bearers too. Hence CHQ sent a Fact Finding Team consisting of Shri. R H Mitkary (Vice President) and Shri. J S Dahiya (AGS) with due communication to all on 18<sup>th</sup> July 2022. The Team visited Bhopal and stayed there for three days studying all materials submitted by all concerned. The outgoing Circle Secretary and Circle Treasurer did not appear before the Team even though allegations of gross financial irregularities were raised against them. Finally the Fact Finding Team reported

1. Gross financial irregularities
2. Violation of constitutional provisions in conducting the conference.

10 c. To restore peace and unity and to ensure normal functioning of the Circle Unit CHQ decided on 14-8-2022 to hold fresh circle conference under direct supervision of CHQ. Willingness was also called for from branches in MP Circle to host the proposed conference and last date for expressing such willingness was fixed as 25th August 2022. However, no branch intimated its willingness before the prescribed time. Instead, some leaders of either group circulated letters which revealed their intention

not to settle the issue amicably but to continue the disunity. CHQ refused to settle the matter under coercion of any type. It was, therefore, decided to place the entire matter concerning MP Circle for due consideration and suitable decision by the CWC Meeting at Visakhapatnam.

10d. The dispute in above Circles indicate the imperative need of some amendments to our Constitution to check disruptive actions, indiscipline and financial irregularities.

## **11. Pension Anomaly Case**

### **Great achievement of AIBSNLPWA**

11 a. 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. Lot of materials was printed repeatedly in our Journal, Website as well as Whatsapp. Hence a gist of the matter is given here, to save space.

#### **Root cause for pension anomaly**

11 b. 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.

11 c. 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. The loss in pension is not only huge but also a recurring loss.

11d. BSNL corporate office informed that the pensioners retired during the first 10 months after formation of BSNL was only 237 in the entire country. This was contested by our organisation and ultimately BSNL/DoT had to agree with our figure of 4230.

11 e. DoT informed that the loss was only due to DR in CDA pattern and IDA pattern and there is no pension anomaly. This contention was also effectively countered by us and ultimately DoT agreed that there exists 'pension anomaly'. BSNL/DoT agreed to our solution of notional conversion of CDA pay to IDA pay in the last 10 months of those who retired in the first 10 months after formation of BSNL. But when the proposal was sent to DoP&PW, it was rejected by them. On the other hand DoP&PW gave a different formula and a copy of which was sent to us. After careful study we rejected the proposal because it did not give any relief to many of the affected pensioners.

11f. DoT sought permission from DoP&PW to implement its OM dated 17/12/1998. Though DoE did not agree, DoP&PW gave its permission to DoT, but that nodal agency felt that this may not solve the anomaly and they are right. Based on that approval DoT issued order on 27/9/2011 stating that the pension should not be less than 50% of the minimum of the corresponding revised scale. After issuing that order, DoT closed the file also. Our association clearly pointed out that inspite of implementation of DoP&PW OM dated 17/12/1998, pension anomaly exists. Our GS wrote a detailed letter on 16/7/2012 with 13 annexures which made DoT to reopen the closed file. This issue was continuously pursued by our organisation including through SCOVA, but not solved. 11 g. Ultimately in May 2014 we filed a petition before PB, CAT, New Delhi and we got a favourable judgement. When the judgement was not honoured we had to file contempt petition and caveat before

Hon. Delhi High Court. DoT filed an appeal and we effectively contested and the appeal was dismissed. Even then DoT did not honour the judgement. We revived the contempt petition. Still, the direction of PB, CAT was not honoured. DoE suggested for exploring the possibility of filing SLP. The matter was referred to Department of Law & Justice and Additional Solicitor General. Both gave the opinion that it is not a fit case for filing SLP. Meanwhile we filed contempt to contempt petition.

11h. Ultimately DoT had to issue the order on 7/10/2021. Before issuance of that order we wrote to DoT on 25/8/2021 for issuing an unambiguous order. Thus that order was released which did not give any room for anyone to seek for clarification.

11 i. It is our legitimate baby but AIBDPA through its circular dated 8/10/2021 (next day after issuance of the order) shamelessly claimed the credit.

#### **Satisfaction**

11k. In the SCOVA meeting, DoE stated that the issue is pending since November 2004. We have been continuously and persistently pursued this case since 2007 onwards. We have put in lot of labour and time on this issue. We had to contest the administration at every stage. No other organization has pursued this case as we did and bring it to the logical conclusion. But as usual, success will have more fathers. After seven years of protracted negotiations the issue could not be settled across the table. But through court of law we could get justice from two courts within 5-1/2 years. But some pensioners are not alive to enjoy the fruit. We have not collected single paisa from the affected pensioners and the entire amount was spent by CHQ. Still we have the utmost satisfaction that we were an instrument to get justice for the affected pensioners.

#### **Helpline:**

11 l. On 8-10-2021 we posted the DoT order in our Website. On 18-10-2021 on requests from many

affected pensioners we posted the details of benefits derived from the case and settlement. We prepared a Ready Recknor with all details like Pay drawn, Pay due and benefits for each month from October 2000 till September 2021 and posted in our Website on 12-9-2021. It was re-posted on 23-10-2021, 31-10-2021 and 3-12-2021, updating the latest IDA rate. Many of the beneficiaries were not aware of the anomaly even. Many of them could not calculate the benefits. JT CCA Kerala took immediate action to identify the 255 beneficiaries in the Circle and to make the payment. It was followed by Tamilnadu, Andhra and Karnataka Circles. Number of pensioners who are not our members approached the CHQ President and GS for help. Some of them got even Rs. 16 lakhs as arrears.

#### **Donations:**

11m. We invested not only lot of time and energy but also a sum of Rs 4.56 lakhs for the case. It was spent from the common fund of all members for the benefit of few. Hence we issued an appeal for donation from the beneficiaries. CHQ has received a sum of Rs 17,57,161.00 as donation. This will help us to fight more legal battles. We express our deep appreciation of extemporary way the Beneficiaries responded to our call. At the same time, it is a matter of regret to note that some of our Units failed to identify the beneficiaries in their area and help the super senior pensioners and family pensioners.

#### **OUR GRATITUDE**

11n. 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.

## 12. Pension Revision

12 a. After Puri AIC, our delegation went to Delhi in November 2018 and met senior officers in Sanchar Bhawan. We were informed that DoT sent a proposal for 'delinking pension revision from pay revision' to DoP&PW but that nodal agency did not agree and they sought certain clarifications.

12b. On 22/11/2018 we conducted a very successful hunger-strike throughout the country. On the same day Committee of BSNL & MTNL Pensioners Association (CBMPA) was formed in Delhi with five organizations.

### Kanyakumari CWC decision

12 c. 13/14-2-2019 CWC met at Kanyakumari and constituted a 12 member Secretariat consisting of President, 3 vice-presidents, GS, two Dy. GS, Treasurer, one AGS, Asst. Treasurer, Circle Secretary TN and Chennai Telephones. Nine of them are in Chennai itself. CWC authorized the CHQ Secretariat to take appropriate action at the appropriate time to realize our just demand for pension revision including legal remedy though it is time consuming and costly. CWC called upon Branches to approach MPs to enlist their support to our demand of pension revision. It also decided to submit a memorandum to PM whenever he visits for election campaign.

12d. On 8/3/2019 DoP&PW sent a letter to DoT asking for 1) concrete proposal for pension revision 2) Its financial implication and 3) proposal to overcome the likelihood of anomaly for those who retire after 1/1/2017 in the absence of pay revision (a copy of the same was endorsed to our GS).

12 e. General election was held in May 2019 and we had to wait for the new Govt. to settle down. Later, revival of BSNL/MTNL became the important issue both inside and outside the Parliament. So, we had to wait further. On 22/6/2019 GS, Gangadhara Rao, along with Radhakrishna, AGS, R.Changappa, C/S, Karnataka and Hubli comrades met Parliamentary affairs minister Shri Pralhad Joshi in Hubli and sought his help for settlement of this demand. Hon. Minister asked to come to Delhi and meet him. On 1/7/2019 our delegation (including Com M K Bagchi, President RTOWA) Met Shri Pralhad Joshi at his house in Delhi and with his help met MoSC Shri Sanjay Dhotre in the evening. On 2/7/2019 our delegation met Hon. MoC Shri Ravi Shankar Prasad. After discussion, he told that **"I will take care of it"**.

12 f. On 3/7/2019, during our discussion with him, DDG (Estt.) Shri S. K. Jain was categorical that 7th CPC fitment factor cannot be given on IDA. On 15<sup>th</sup> July we met officers in pension department. They told that though they are seriously trying to resolve the issue, DoT is not sending the concrete proposal. On 16<sup>th</sup> & 17<sup>th</sup> July 2019 we met DDG (Estt) again and he was very firm in his position. All of us felt that 1) more political pressure should be given 2) to get 7<sup>th</sup> CPC fitment factor conversion of IDA pension to CDA pension (*not Pay Scales*) from 2016 may be pursued. CBMPA met in Delhi on 19<sup>th</sup> July and all agreed to the new proposal. **On 25/7/2019** Secretariat meeting was held in Chennai which decided to demand 7th CPC fitment factor from 1/1/2016 after converting IDA pension to CDA pension (not CDA Pay). Accordingly on 2/8/2019 CBMPA wrote a letter to Telecom Secretary with five annexures. On 9/11/2019 at Hubli, after handing over Rs. 40 lakhs to Hon. Minister for parliamentary affairs Shri Pralhad Joshi towards PMNRF we sought his help for settlement of pension revision. He asked us to come to New Delhi. Accordingly we went to Delhi and met Hon MoC Shri Ravi Shankar Prasad on 9/12/2019. **He told that "wait till BSNL earns profit and pay**

**revision takes place; I am with the officers of DoT that pension revision follows pay revision".** That was the last straw.

12 g. CBMPA met on 10/12/2019 attended by Coms M K Bagchi, S S Nanda, Mudgal, Kishansingh, DG, T S Vittoban, Anupam Kaul and R Changappa. All of them felt that there was no use of waiting further and we have to take a call for litigation. Delhi leaders also told that they already had a preliminary consultation with one known senior advocate in this regard. On 11/12/2019 Coms. Bagchi, Prahlad Rai, DG, Anupam Kaul, Vittoban and Changappa met one lawyer Shri M K Bharadwaj who opined that there is merit in our case but he suggested that it is better to file cases in various CATs because the Principal Bench of CAT by and large is pro-govt these days.

12 h. On 12/12/2019 MoC Sh. Ravi Shankar Prasad stated in Parliament that *"due to poor financial condition of BSNL it has not been possible for the Government to agree to the demand of pay revision. Hence the issue of Pension Revision has also not been agreed to as on date."* **The message was Clear and final.** Media reports quoted CMD of BSNL saying that BSNL may earn profit in 2024-2025. As per 3rd PRC recommendations, the average profit for three consecutive financial years should be there and depending upon the profit and expenditure ratio pay revision can be either 15% or 10% or 5%. So, the picture was clear and we had to take a call urgently.

12 i. On **17/12/2019** Coms DG and Sukumaran met a senior lawyer at Chennai who later gave a written opinion that there is merit in the case. On hearing that Bengaluru CAT is reasonable in its judgements Coms PSR, DG, Natarajan, G Babu, Muthiyalu, Radhakrishna, V Rathna, Changappa, Ganesan & Santhamurthy (last two comrades are Karnataka leaders of our Association) met one lawyer on 7-1-2020 and discussed for about 90 minutes. Two out of this ten were retirees after 2017. We explained

the case in detail. After long discussion, lawyer opined that 1) *There is merit in the case,* 2) *Case cannot be filed directly in HC but only in CAT,* 3) *Some 10 affected pensioners from Karnataka, preferably above the age of 75 years, and AIBSNLPWA also can be the petitioners* 4) *MTNL cannot be included because of the jurisdiction issue* 5) *We were C.G. employees and we continue to be C.G. pensioners and on this ground we have to ask for pension revision as per 7th CPC fitment factor from 1/1/2016 on par with other C.G. pensioners,* 6) *If pre-2016 pensioners get the pension revision naturally post-2016 pensioners also should get. It is the responsibility of the Govt. to find a solution to avoid likelihood of pension anomaly for those who retired after 1/1/2016* 7) *there is no need to touch pension revision on IDA or CDA in the prayer and that can be placed before the court during the course of argument.*

#### **Secretariat decision**

12 j. In this background, Secretariat met at Bengaluru on **8/1/2020**. 11 CWC members attended. Since our GS underwent a major surgery, we decided to meet in Bengaluru. We felt the urgency because of the developments with regard to our main demand of 'Pension Revision' and to decide the future course of action. Three CWC members from Karnataka viz. G Babu (VP), Radhakrishna (AGS) and R Changappa (C/S, Karnataka) also participated in the meeting. All the 14 expressed their views frankly about the future course of action. Though Com Sukumaran was absent he firmly felt that we should file the case at the earliest without waiting for next CWC meeting. Pros and Cons were analyzed. Considering various aspects finally decision was taken to seek legal remedy for getting the pension revision by filing a case in Bengaluru CAT. Of course, two CWC members recorded their dissent and wanted the CHQ to wait till the ensuing CWC at Gorakhpur in March 2020. Out of these two, Com K Muthiyalu, Dy.GS not only recorded his dissent but

also told the Secretariat that **pension revision follows pay revision** which is nothing but endorsing the stand of the officers and MoC.

### **No point in waiting**

12 k. As the Kanyakumari CWC called, *few* District/ Circle-level leaders met some MPs before election and some MPs wrote to the Govt. As per the guidelines, service matters cannot be taken to PM and it has to be dealt with by respective departments. Even if we write to Hon. President of India he will only forward it to the concerned Minister. But by the efforts of Hubli comrades and Karnataka leaders we could take the help of Parliamentary affairs minister. All along we waited for political direction to the authorities of Sanchar Bhawan but that hope was lost on 9/12/2019. So CHQ gave call for the struggles and all the three struggles were successfully conducted throughout the country with great enthusiasm. When all the avenues are closed we decided to seek legal remedy as a last resort.

### **Litigation**

12 l. Though we gave all the relevant records, Bengaluru lawyer took lot of time to prepare the draft. Meanwhile corona pandemic was threatening the entire country from March 2020 onwards and the normal life was crippled. Further, there were suggestions from some of our senior members to file the case before PB, CAT, New Delhi instead of CAT, Bengaluru. So CHQ decided accordingly and filed the case before PB, CAT, New Delhi. It was filed on 10<sup>th</sup> September 2020 (with 49 Annexures) and it was admitted on 18/9/2020 (OA No.100/1329/2020). There was delay due to pandemic for more than an year but the case is still pending; now posted to 9-12-2022. Our CHQ is the first applicant. Three others viz. P S Ramankutty, Anupam Kaul & V Latha are the other applicants. We took into consideration that 2<sup>nd</sup> applicant belongs to pre-2007 retirees, 3<sup>rd</sup> applicant belongs to post-2007 but pre-2017 and also retired from Executive cadre and the 4<sup>th</sup> applicant belongs to post-2017 retirees.

### **1) Can the pension revision be delinked from pay revision and get pension revision as per CPC recommendation?**

Hon PB, CAT, New Delhi gave a judgement on 4/6/2007 directing the Director General of Civil Aviation to revise the pension as per 5<sup>th</sup> CPC recommendations from 1/1/1996 strictly in accordance with CCS (Pension) Rules, 1972 to Iqbal Singh Vedhi (whose pension was fixed on IDA pay) retired from Airport Authority of India. The appeal filed by DGCA was dismissed by Delhi High Court on 11/7/2013. It was not the solitary case but many others who opted for government pension also got it. **AAI executives and non-executives got their pay revision from 1/1/1997, 1/1/2007 & 1/1/2017 and the pension revision was not linked to the pay revision but linked to CPC.**

### **2) How can we claim that we continue to be C.G. pensioners?**

Sub-rule 4 of Rule 37-A of CCS (Pension) Rules, 1972 states "from the date of permanent absorption in PSU, such employees cease to be Govt. servants and they shall be deemed to have retired from Govt. service". Sub-rule 5 of Rule 37 of CCS (Pension) Rules, 2021 also states the same. But this sub-rule is not maintainable under the law because a similar provision in para 4 of DoP&PW OM dated **5/3/1987** was quashed by Hon Supreme Court of India on **15/12/1995**. Para 4 of that OM states "C.G. employees who got themselves absorbed under Central PSU/ Autonomous bodies and have received/or opted to receive commuted value for 1/3rd of pension as well as terminal benefits equal to the commuted value of the balance amount of pension left after commuting 1/3rd of pension are not entitled to any benefit under these orders as they have ceased to be C.G pensioners". This particular para was quashed by a division bench of Supreme Court in WP © 11855/85 on 15/12/1995. In para 10 of the judgement of Hon. Madras High Court dated **2/8/2007** in WP No.22207 of 2002 quoted the decisions of the Hon. Supreme Court in Welfare Association of Absorbed

C.G. employees in PSU Vs Union of India which said “whatever rights which were available to a Govt. servant of the C.G. was granted in the common cause case was mutatis mutandis made available to even the absorbees”. In Welfare Association of Absorbed Central Govt. Employees in PSU Vs Union of India reported in (AIR 1998 SC 2862) Hon. Supreme Court stated in para 6 as “... we make it clear that the respondents are liable to restore not only the pension as ordered by this Court in the said judgement, but also all the attendant benefits as given to C.G. pensioners”.

### **K. Ganesan case**

12 m. While working as ADG in Dept. of Expenditure he resigned in 1985 taking 100% commutation and joined BHEL in 1986. After 15 years, he claimed pension from the Government but it was rejected. He filed a case in 2001, failed in CAT but won it in High Court of Madras in 2007. Against this judgement of Hon. Madras High Court, Govt. filed SLP (Civil) No.4054/2008 (converted into CA No.6408/2010) in Hon. Supreme Court which was dismissed on **1/9/2016**. Govt. filed Review petitions No.465/2017 & No.472/2017 which were also dismissed by Hon. Supreme Court on **22/3/2017**. As the Govt. failed in all its attempts DoP&PW issued OM dated **23/6/2017** with a corrigendum dated **21/7/2017**. Para 9 of this OM states “The absorbee pensioners whose full pension is restored in terms of the above instructions would also be entitled to revision of their pension in accordance with the instructions issued from time to time on implementation of the Pay Commissions, including the 7th Central Pay Commission”. It took long 16 years of legal battle to get justice. Though Mr. Ganesan was not alive to enjoy the fruits, some others who were similarly placed are enjoying the fruits. For example, Shri P. Kuppasamy, JTO, Vellore who officiated as AD (Staff) in Tamilnadu circle office resigned in 1987 and joined TCIL. He got 100% commutation. Now, he is getting pension as per 7th CPC for the period of Govt. service. Similarly one Shri Purushothaman, DE, resigned in

1987, availed 100% commutation and joined TCIL. After 15 years he is getting his pension, now revised as per 7th CPC in accordance with DoP&PW OM dated 23/6/2017. *Legally, when resigned Govt. employees are treated as Govt. pensioners, getting pension with attendant benefits there is no reason to deny that status of ‘Govt. pensioner’ to optees of Govt. pension on combined service and revise pension on the basis of 7th CPC fitment factor.*

12 n. There was change of MoC. Shri Ravi Shankar Prasad was dropped and Shri Ashwini Vaishnav took over as MoC. Similarly Director (Estt) and DDG (Estt) were also changed. Pandemic situation got eased; offices in New Delhi restored normal functioning. In the changed scenario we decided to make another attempt for negotiated settlement.

### **Delhi visit in March 2022**

12 o. We gave 4 page detailed letter countering the view-points of DoT on the issue of pension revision with certain relevant judgements and other documents. This letter was personally made over to Telecom Secretary, Member (F), Member(S) & DDG (Estt.). Member (F), after studying our letter told that the matter has to be examined by ‘Establishment section’ and if a proper proposal is sent by them, then the finance will consider it in a positive way. Member (S) told that he would examine the issue. We had a detailed interaction with new DDG (Estt.) Smt. Roshni Sohni too. We pointed out:

1) Sub-rule 5 of Rule 37 of CCS (Pension) Rules, 2021 (earlier sub-rule 4 of Rule 37-A of CCS Pension Rules, 1972) is quoted to state that BSNL/MTNL employees ceased to be government employees from the day of absorption. This is against the law of the land because a similar provision was there in para 4 of DoP&PW OM dated 5/3/1987 which denied restoration of 1/3<sup>rd</sup> commutation after 15 years to absorbed C.G. employees though it was restored to C.G. employees from 1985 onwards. This para 4 was struck down by a four member division bench of Hon

Supreme Court of India through its judgement dated 15/12/1995 (*before formation of BSNL*) and absorbed employees also got restoration on par with C.G. employees.

1a) Even though such a provision was there under sub-rule 3 of 12A of Food Corporation Act, 1964, the employees of Food & Agriculture Department who were transferred to FCI, were treated at par with C.G. employees and they got pension on IDA and DR on CDA through the Apex Court judgement dated 10/2/2010 and through judgement of two-member division bench of Hon Kerala High Court, dated 3/3/2016. We also quoted the interpretation for sub-rule 4 of Rule 37-A by a division bench of Hon Kerala High Court judgement dated 13/11/2019. **So, the stand taken by DoT on this ground is incorrect and against the law of the land and needs a review.**

2) There are three components of retirement benefits viz. commutation, gratuity & pension. The first two are as per CCS (Pension) Rules and at par with C.G. employees and there is no rationale or justification to deny the third component. If BSNL/MTNL IDA pensioners are made eligible in accordance with Payment of Gratuity Act, 1972 they would have got more gratuity because the method under this act is different.

3) As per CCS (Pension) Rules, the minimum pension for C.G. pensioners is Rs.9000/- from 1/1/2016. But, that was not implemented to BSNL/MTNL IDA pensioners and their minimum pension remains at Rs.3500/- only. Because of this, IDA pensioners get Rs.1677/- less in total pension as on 1/1/2017.

4) Almost all the recommendations of 6<sup>th</sup> CPC like quantum of pension, age-related additional pension, enhanced family pension, commutation factor, gratuity ceiling etc. were made applicable to IDA pensioners also after getting a clarification from DoP&PW.

5) Conversion of IDA pay into CDA pay notionally in accordance with DoP&PW OM dated 19/9/2003 cannot be considered for pension revision because it was considered when last revision was given from 1/1/2007. During that period, there was a discussion among the officials of three departments viz. DoT, DoP&PW & DoE about implementing this OM. There was no consensus because DoP&PW which issued the said OM did not support the idea. So, the matter was referred to Department of Law & Justice. There was no reply and hence there was a meeting between MoC & Minister for Law & Justice. Later a reply came from that department asking the DoT to move a Cabinet Note and they would offer their comment. Accordingly DoT moved a Cabinet Note, not relying on 19/9/2003 OM of DoP&PW.

5a) Further, Department of Food & Public Distribution issued an order on 31/5/2005 regarding pension revision for those who were absorbed in FCI. Para 4 of that order also mentions about this 19/9/2003 OM but took a decision against its application. Hon Supreme Court gave a judgement in a case between Uol & P N Natarajan on 10/2/2010 stated that the absorbees of FCI are entitled for all retirement benefits available to C.G. employees. Accordingly they are getting pension on IDA pay and Dearness Relief on CDA pattern.

6) In spite of that Apex court judgement, we are not asking for Dearness Relief on CDA pattern because it requires amendment to the existing statutory rules which is cumbersome and time-consuming.

7) DDG & Director told that the last pension revision was done as per 2<sup>nd</sup> PRC. We disagreed with their contention and told that 2<sup>nd</sup> PRC has nothing to do with regard to pension revision because there were no terms of reference for pension revision for 2<sup>nd</sup> PRC and for that matter for any PRC so far. Order for Pay revision from 1/1/2007 was issued in 2009 for the Executives and for the Non-executives it was issued on 7/5/2010. Both of them were as recommended

by 2<sup>nd</sup> PRC. But order for pension revision was not issued for those who retired prior to 1/1/2007. This created an anomaly between pre-2007 and post-2007 retirees and to undo that anomaly only, DoT moved a Cabinet Note in 2010 and in that 'note' there was no mention about 2<sup>nd</sup> PRC. So, we clearly told the DDG that their understanding is misplaced.

8) DoP&PW sought for concrete proposal for pension revision for pre-2017 retirees and the formula to avoid anomaly for post-2017 retirees in the absence of pay revision. DoT did not comply with that requirement. We told the officers that in the absence of pay revision for post-2017 retirees also their pension may be multiplied by 2.515 factor at par with pre-2017 retirees to undo the anomaly. As an alternative, 32% of their pay may be added to their LPD notionally and fix their pension accordingly. DDG said that the pension should be on the basis of actual pay drawn. We told her that it is correct as per rules. But there is precedence where pension was determined on the basis of notional pay also. Recent example was grant of 78.2% IDA merger on notional pay for the period from 1/1/2007 & 9/6/2013.

9) CPC recommendation is only for C.G pensioners was the bone of contention of DDG. Again this is also a misconception, we told her. We apprised her about Delhi Electric Supply Undertaking (DESU) which is a PSU. They are covered under CCS (Pension) Rules, 1972 and they got the benefit of 7<sup>th</sup> CPC as recommended by Wage Revision Committee headed by Retired HC judge Shri S N Aggarwal who submitted his report in July 2019. Their pay is higher than C.G employees pay. For example, the minimum pay in central government as on 1/1/1996 was Rs.2550/- whereas in DESU it was Rs.3050/- as on 1/1/1996 and it was Rs.3200/- from 15/11/1999. Accordingly their minimum pension was revised from 1/1/1996 in accordance with DoP&PW order that the minimum pension should not be less than 50% of minimum pay. Chapter 8 deals with "pension". We also showed her the copy of the report and order.

The only difference is that their pension is paid from the pension fund. There also if there is any short-fall in the pension fund then it has to be made good by the Govt. So, this contention is also wrong.

10) First, DoT should decide for pension revision. Second, they should decide about the formula to be applied. Third, they should decide about the methodology to overcome the anomaly for post-2017 retirees. We asked them that in which stage the issue is now? They have conveyed that DoT is yet to take a call for pension revision i.e. 'first stage'.

12 p. DDG wanted a 'brief' from us incorporating all the points what we have narrated to her. We agreed to supply the same. Accordingly it was sent to her on 29<sup>th</sup> March 2022.

### Meeting MoC Shri Ashwini Vaishnaw

13 a. During March 2022, with the help of Parliamentary affairs minister Shri Pralhad Joshi our delegation met Hon. MoC Shri Ashwini Vaishnaw. He went through our letter and we explained in few words. Immediately he understood and said that it is a genuine demand. He also said that **pension revision and & pay revision cannot go together**. He immediately discussed the matter over phone with Shri Purwar, CMD, BSNL. **Thereafter the Minister asked Member(S) to delink Pension revision from Pay revision and put up the file.** Later, Shri Vaishnavji informed Shri Pralhad Joshi over phone that our demand is genuine and he will get it done. It was not only a pleasant meeting but also purposeful. We understood the difference of approach between Shri Ravi Shankar Prasad and Shri Ashwin Vaishnaw.

Thereafter we met Shri K Rajaraman (Secretary Telecom) and Shri P K Purwar (CMD BSNL) and discussed the issue of pension revision.

### Delhi Visit in July 2022

13 b. When we got the news from various sources that the proposal mooted by Establishment section

of DoT was rejected by finance section of DoT, we decided to make another effort. During last week of July 2022, Coms DG, Gangadhara Rao, V Varaprasad, T S Vittoban, R S N Murthy and Anupam Kaul met Hon MoC Shri Ashwini Vaishnaw, Telecom Secretary Shri K Rajaraman, Hon MoS in PM (o) Dr Jitendrasingh, Pension Department Secretary Shri V Srinivas, its JS Shri S N Mathur and other officers in Sanchar Bhawan. Hon MoC reiterated his earlier position and instructed the concerned officer to immediately process the issue. Telecom Secretary assured to send the proposal to DoP&PW. Officers in pension department told that if DoT sends the concrete proposal then they would definitely consider the same positively.

13c. On 25<sup>th</sup> August 2022 we received the information that DoT sent the File to DoP&PW. But the exact contents were not revealed. DoT has not been transparent on this issue all along. As a result conflicting information was spread by various organizations based on their interaction with DOT authorities about the proposal for pension revision. It was confirmed that DoT has sought permission to delink pension revision from pay revision. After few days it was revealed that DoT had sent a strange proposal of zero percent fitment for revision. Therefore, our General Secretary convened a virtual meeting of all organizations representing BSNL/MTNL pensioners to evolve a joint approach. Invitation was sent to all through whatsapp. While AIBSNLREWA did not respond to the invitation, AIBDPA ridiculed the move, probably due to political compulsion, and launched a wild and personal attacks against some of our leaders. BDPA (Gujarat) too did not join the meeting. Leaders of AIBSNLPWA, AIRBSNLEWA, SNPWA, DBPA-Kerala, RTOWA Delhi, ROWA Delhi, MPWA Mumbai, MREWA New Delhi and MREWA Mumbai participated in the meeting held on 12-9-2022 and unanimously decided to reject the proposal of zero percent fitment formula. Accordingly, a joint letter signed by General Secretaries of all the above nine organizations, was submitted to Secretary Telecom on 14<sup>th</sup> September 2022.

13 d. After few days, as expected, the DoP&PW returned the file to DoT without interfering in fixing a fitment factor as it is within the domain of DoT. DoP&PW told that DoT can constitute an inter-ministerial committee, as proposed by DOT, with specific terms of reference. It was further understood that DoT submitted a proposal of delinking pension revision from pay revision on one hand and linking pension revision with 2<sup>nd</sup> PRC and 3<sup>rd</sup> PRC formula for pay revision which is only of Executives on the other. Such a self-contradictory proposal would naturally be rejected by any sensible authority. Thus, with this diabolic game, the negative brains in Sanchar Bhawan could delay a decision on our pension revision despite clear instruction from the Minister.

*13 e. This is the status of the issue while this report is being drafted. Despite all odds we continue our efforts. We will report to AIC further developments. We do hope that finally we will win.*

**13 f. In conclusion we would like to state that no other pensioners' organization has made in-depth study and highlighted the justification for our demand based on facts as we have done.**

### **Two other Court cases**

14 a. Pension revision with modified fitment formula with 78.2% IDA was granted to us notionally only from 1-1-2007 up to 9-6-2013. We challenged this decision and filed a case before Ernakulam bench of CAT for actual payment from 1-1-2007 itself. The case is lingering on. First it was due to lockdown; then it was because there was only one judge in the Bench. Recently one judicial member has joined but the case is being adjourned time and again.

14 b. DoT pensioners retired from service up to 30-9-2000 got the benefit of pension @ 50% of Last Pay Drawn under the *Third Option* recommended by 7<sup>th</sup> CPC and the consequent Concordance Table. BSNL

staff retired on or after 1-1-2006 also got the benefit of LPD. BSNL staff retired from 1-10-2000 up to 31-12-2005 is denied this benefit. We filed yet another case before Ernakulam bench of CAT against this injustice. A judge who was hearing the case adjourned the matter several times, and finally disposed it in favour Government, along with many other cases, in last week of his service. We had filed an appeal before High Court of Kerala. The matter is still pending.

### **15. BSNLMRS**

15a. Ageing is a natural process. An ageing population tends to have a higher prevalence of chronic diseases, physical disabilities, mental illnesses and other co-morbidities. Providing a good health-care delivery system is a challenge to all Nations, including India, in view of increase in number of elderly people. Our Government is also committed to provide quality assured health-care services for the elderly population. Hence, many Central PSUs in India have provided some health-care schemes to their employees and retirees. BSNLMRS introduced in February 2003 was one of such good schemes. But its quality was eroded stage by stage. After 2010 BSNL Management facing a financial crisis issued number of orders to modify the scheme. In September 2011 BSNL withdrew the 'allowance' scheme for both employees and retirees. Our Association immediately took up the matter for its restoration at least for pensioners. The management maintained a stand that it could be restored for pensioners only with consent of unions of serving staff. One union protested against settling bills from pensioners even. However, in April 2017 the Management finally restored the allowance for pensioners. The quantum of allowance was raised to minimum of Rs 12000 per year. But this generosity remained as a line drawn in water because the Company did not provide fund for payment of allowance or bills. Pensioners were ignored in many Circles. Denial of benefits under BSNLMRS became a serious issue for us, especially during pandemic.

CHQ issued a call to all to send protest Emails to the Minsiter against denial of medical care to BSNL retirees during the pandemic. CHQ received reports that more than 3500 emails had gone to the MoC. Com. Anupam Kaul, our AGs met Director (HR) or the GM concerned to ensure medical care for pensioners with detailed representations on 23-3-2020, 22-4-2020, 1-5-2020, 15-5-2020, 18-5-2020, 8-6-2020, 15-6-2020, 22-6-2020, 6-7-2020, 24-7-2020, 4-9-2020, 22-9-2020, 30-9-2020, 8-4-2021, 26-4-2021, 12-5-2021, 11-7-2021, 23-7-2021 and 15-2-2022. During the pandemic period we approached the authorities on 26-6-2020, 1-10-2020, 30-4-2021, 5-5-2021 to ensure due care to BSNL Retirees infected with Covid. Unfortunately the authorities remained insensitive to our pleas.

15b. Due to our persistent efforts BSNL management allotted some funds and paid partially the allowance. Finally on 30<sup>th</sup> August 2022 the BSNL provided enough funds to clear all bills up to March 2022. Still, heads of some Circles like UP East, were relectunt to extend the benefits to all pensioners. Our Circle Secretary in UP East had to organise protest agitation against the anti-pensioners attitude of authorities.

### **16. CGHS**

16.a In February 2014 the BSNL Management issued an order that BSNL retirees can migrate to CGHS, if they so desire, by paying requisite fees. It was also assured that BSNL shall make one time reimbursement of such fees paid. In August 2016 the DoT issued an order prescribing the quantum of fees giving a mapping of CDA and corresponding IDA scales. Fund was allotted to Circles for reimbursement. Large number of BSNL retirees availed this opportunity. We requested the Management to make an arrangement of paying the said fees to CGHS by BSNL directly instead of asking Retirees pay it and then claim reimbursement. On 8-2-2022 when our AGS met him, the CMD BSNL assured that a special window would be opened

before 31-3-2022 for the purpose. But till date his assurance is not honoured. On 30-9-2020 we requested the BSNL to permit Family Pensioners also to migrate to BSNL and it was agreed.

16 b. CGHS is available in 74 cities at present. More than 50% of our members live in these cities. They can migrate to CGHS. Those living in 'non-CGHS areas' can register with CGHS in the nearby places by paying the fees and avail both indoor and outdoor treatment facilities. Those living in such 'non CGHS areas' can get fixed medical allowance of Rs 1000 per month, at par with central government pensioners, in lieu of outdoor treatment. They need not pay the fees to CGHS for it. It may be noted that BSNL serving staff are not entitled to join CGHS. It may be noted also that no other pensioners – Postal or otherwise - are getting reimbursement of fees paid by them. It is yet another success story of AIBSNLPWA.

#### **17. ITR Problem**

**In February 2021, we received many complaints from our members about receiving IT Notices under sections 143/154 raising a demand up to more than 4 lacks in some cases. After analyzing we found that it was due to inclusion of DOT- Leave Encashment Amount in salary component. We took up the case with IT authorities promptly. Simultaneously we sought intervention of Member, Finance, DOT. On our advice concerned pensioners filed revised ITR. As a result, many received intimation from IT authorities that the Tax to be paid was corrected as Zero. But some pensioners got notices of similar nature again in 2022. We understood that this problem persists as the manually corrected data was not reflected in the system. We requested the BSNL/DOT authorities to solve this problem permanently by taking out LE amount of DoT period from the salary component in Form 16 and include it only in exemption column. We continue to pursue the matter.**

#### **18. WELFARE ACTIVITIES**

18a. In 2009, when this new organization was launched the founders consciously gave it a name Welfare Association. They had a clear vision. They were committed to welfare of pensioners' society in India and to the welfare of entire population of our beloved country. It is proved that AIBSNLPWA is worthy of its name. Every year, AIBSNLPWA branches like Krishna, East Godavari, Tirupathy and West Godavari in AP and Calicut in Kerala, go to the Poor Homes, Old Age Homes and Orphanages and help the inmates there supplying food, fruits, clothes, utensils, sleeping materials etc. Calicut SSA branch collects contributions regularly from its members and help brilliant students belonging to poor families in their study.

18b. In 2013, due to the Nature's fury, many people lost their lives and belongings in the Uttarakand region. AIBSNLPWA organized and collected to the tune of Rs. 1, 28,000 and remitted to the Prime Ministers' National Relief Fund. Andhra Circle stood first in the donation amounting to Rs. 50000.00. Similarly, in 2013 again, when Vizag and Vizianagaram were affected by cyclone, Andhra comrades rose to the occasion and collected donations from other regions of the State and remitted to the Chief Minister's Relief Fund. CHQ donated Rs. 10000 towards this. In December 2015, when Chennai faced the fury of floods Tamilnadu and Chennai comrades raised a fund of Rs 8.67 lakhs and helped the people. In 2018, just before our last AIC, when Kerala faced the torrential rains and heavy floods of the century AIBSNLPWA raised Rs 36 lakhs from all over India and made over to CMDRF. CHQ directed branches all over the country to send donations to Kerala Circle Unit. Same period, Kodagu district of Karnataka also faced the heavy rains and floods. CHQ donated Rs 2 lakhs to the Karnataka CMDRF. Kerala Circle also sent Rs. One lakh.

18c. In March 2019, the Gaja cyclone attacked Tamilnadu. AIBSNLPWA members raised a fund of

Rs.12 lakh and reconstructed the damaged buildings of two government primary schools. More than 350 students of poor families are benefited by that. The two buildings stand out there as monument of our welfare activities. In 2019 Odisha faced the attack of FANI cyclone. AIBSNLPWA donated Rs five lakhs from all over India and made over to Orissa CMDRF.

18 d. Again in August 2019, when lakhs of people in more than 20 states were hit by the very unusual rains and floods, AIBSNLPWA gave a call on 17-8-2019 for donations. Members responded very positively. A sum of Rs 37.94 lakh was received from branches within three months and AIBSNLPWA made over Bank Cheque for a sum of Rs 40 lakh in favour of PMNRF to Sh. Pralhad Joshi, Minister for Parliamentary Affairs on 9-11-2019 in a function organized at Hubballi, Karnataka. 28% of donations came from Karnataka Circle itself. Contribution of members in Hubballi-Dharward deserves a very special appreciation. CHQ had fixed a target of Rs. 100 per head. But Hubballi branch crossed 400% of the target. They have donated a sum of Rs 50000 to CMDRF in addition to Rs 82000 paid to CHQ of the association.

18e. Despite tremendous progress in terms of technological growths, yet there is one area where we have not been able to surpass; the supremacy of Nature. In spite of the developments in weather forecast techniques, disasters at many times cannot be prevented. In today's age, the natural calamities in the form of floods, tsunamis, famines, cyclones, earthquakes occur mainly due to global warming. Every year, in India, at one place or the other, people face the fury of Mother Nature. Nature never spares any section based on religion or region, caste or creed. Normally Telecom network becomes the first victim of such natural calamities. When private Telcos disappear from the field workers of Department of Telecom and BSNL came to the rescue of the Nation. They had to rebuild, within few days, the network that was constructed during three

decades but destroyed in hours. We have set that great tradition. Hence during the time of natural disasters or pandemic we rose to the occasion and acted with unparallel responsibility.

18 f. In March 2020 the whole world was thrown into a great crisis with Covid19 pandemic. Without any request from any corner, leadership of AIBSNLPWA rose to the occasion once again, issued an Extra Ordinary Appeal on 29-3-2020 to its members all over India to donate liberally to PMNRF or respective CMDRF. To avoid delay in the mission CHQ decided not to pool the donation centrally and then make over to government. It was a tremendous response from the members. By 31st July 2020, within four months, members of AIBSNLPWA donated Rs 1.04 Crore towards the noble cause. No other Pensioners Organization could do this work, so systematically, so sincerely and so promptly. Contributions made by Circle Units are:

Tamilnadu	2797444.00
Karnataka	2018553.00
Kerala	1476031.00
Andhra	1368702.00
Telangana	839758.00
Chennai TD	409660.00
Gujarat	254350.00
Punjab	252061.00
MP	209710.00
Bihar	160615.00
Orissa	156307.00
Haryana	130730.00
Maharashtra	102500.00
Delhi	98500.00
Jharkhand	61600.00
Chhattisgarh	51000.00
Rajasthan	48901.00
UP West	23000.00
Assam	20600.00
UP East	7681.00
<b>Grand Total :</b>	<b>Rs. 10487703.00</b>

18 g. Recognizing the significance of such welfare activities, on 14<sup>th</sup> August 2022, CHQ issued the following Call to all units:

***Foundation Day in different way***

*"Last 12 years, we have been celebrating the Foundation Day by holding massive GBs at all levels involving Circle / CHQ leaders. We used to recollect the necessity of forming our Association and also various milestone achievements. Every meeting used to cost considerable amount. While we await a positive decision about our Pension Revision, this year we will celebrate the FOUNDATION DAY on 20th August 2022 differently. Even after 75 years of Independence, large number of people, especially old, is staying in Poor Homes or Orphanages. Many senior citizens, abandoned by their children, are in such orphanages. Main reason for their ill fate is that they have no income like pension. Compared to them we are lucky. Therefore, CHQ calls upon the Branches/ Districts/Circles to visit Old Age Homes and Orphanages and help the needy in whatever way it is possible. Everyone can find his/her own innovative methods to do the service. Value of this charity service is not that what we give, it is the satisfaction we get from it."*

18h. CHQ received impressive reports with photographs from Bangalore, Chennai TD Circle, Chennai Traffic, Thanjavur and also from Ahmedabad, Aligarh, Calicut, Gorakhpur, Guntur, Karaikudi, Lucknow, Madurai, Meerut and Mysore about charity work organized assiduously following the call. Many others could not organize it due to short notice. However, we hope that our branches all over India will make it a practice in future making our name worth of it.

**19. Finance**

The audited accounts for the last four financial years are annexed to this Report. Auditor has submitted a detailed narration of policy for auditing. As it is a mere repetition every year we have given it only for two years. Relevant specific report on our accounts is

however given. When we launched AIBSNLPWA in 2009 we started our journey with Zero fund. Bangalore comrades paid Rs. 10000, Chennai Traffic branch and NTR Branch paid Rs. 5000 each as advance quota to CHQ. Participants of Formation Conference raised donation of Rs. 3800 and the Reception Committee of the Formation Conference handed over to CHQ entire sum of Rs. 39197 left with it after the conference. Thus we commenced our work with confidence. In 2011 we started collecting life membership. Today we have 66000 life members and we have fixed deposits worth of Rs. 2 core and 30 lakhs. It is the hard earned money of pensioners. It is the bounden duty of CHQ to protect and preserve this fund for smooth functioning of the Association. We have paid Rs 10 lakhs so far as income tax for which the IT Department issued a certificate of 'Honest Tax payer' also. We have requested all Circles to obtain their own PAN to avoid payment of unnecessary tax.

**20. Dear Friends,**

20 a. We are working in a challenging space. The economic policies introduced by Dir. Manmohan Singh three decades ago continue unabated with vigour even though the Guard is changed. On the advice of ivory-tower-economic experts the government is trying to escape from the responsibility of ensuring social security to the toiling masses. Statutory pension scheme of government employees is replaced by contributory pension scheme. Pension Fund management is made over to private capital. Crores of EPF pensioners and NPS pensioners are thrown to face their fate with pittance given as 'pension'. Despite all these changes being effected, we achieved pension revision with effect from 1-1-2007, got the fitment formula changed and ultimately got a formal cabinet decision taking over the entire liability to pay pension to Telecom pensioners by the Government itself. We are struggling to get another decision by Government for a sustainable scheme of periodical revision of our pension in future. It is not at all easy. But we will win.

20 b. As individual pensioners or as an organization of retired staff we have limited options to intervene in the affairs of BSNL. But we are very much concerned of its performance and future. In 2019, the Union Cabinet approved a 'Revival Plan' of Rs 69000 crore for BSNL and MTNL. The companies were not revived but about 79000 workers were sent out under the Plan. Most of the Field offices with skeleton staff are struggling to survive. Again in July 2022 the Union Cabinet approved a Rs. 1.64 lakh crore package for the revival of BSNL declaring some attractive targets. The Union Cabinet also approved a project at a total cost of Rs. 26,316 crore to provide 4G mobile services in 24,680 uncovered villages in remote and difficult areas. We have witnessed the vicissitudes of BSNL. In 1990s when mobile service was introduced in India, DoT was not allowed to enter the business. After six years, when the private companies advanced a lot and earned huge profits, BSNL was asked to enter the field and compete with them. Failure of BSNL was attributed to workers, not on the ill-conceived policy of Government. After 25 years, now, BSNL is not allowed to provide 4G services because there are many a restrictions on it. Whereas private companies are free to purchase any technology from any foreign country. Their 4G services are available for the last six years. On 1st October 2022, on the very 23rd anniversary day of BSNL's launch, Honourable Prime Minister has inaugurated the 5G services of Reliance-Airtel-Vodafone trio in the country, keeping BSNL out. Private companies can purchase the 'best' from anywhere and anybody while BSNL has to purchase

the 'cheapest'. The 'cheapest' cannot be the 'best'. The people at large want the best. In such a scenario the 'cheapest' cannot survive. However, it is sure that BSNL will be retained to serve the rural population and to save the nation while natural calamities take place. Government policy is responsible for the ill-fate of BSNL, not the Management or the Workforce. Generally the BSNL staff has to bear the brunt of anger from the Public. As such we are not excited over the fabricated 'Revival Plans'. We have limitations. We hope that the working staff and their unions will cross the tides.

20 c. Many of our functionaries face many challenges, age related health problems being the most important of them. Still, we have worked, we have grown and we are able to protect the 'rainbow' character of our organization with commitments. I present this report for a healthy debate in the 4th Triennial All India Conference to further strengthen our great Association.

For and on behalf of Central Working Committee

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

PENSIONERS UNITY ZINDABAD  
AIBSNLPWA ZINDABAD

**Visakhapatnam,  
01-12-2022.**

**Dear readers,**

**This issue of Patrika is totally devoted for the Report to be placed in ensuing AIC. Delegates can read it leisurely and come with amendments and we can save time in the AIC for reading it. Thus, we get more time for debate. Accounts were already printed in this Patrika in the past every time the audit report was received. Hence it is not given here. However, audited accounts for four years will be circulated to Delegates in the AIC. For want of space we could not publish list of office bearers elected in the recently held Circle Conferences as well as the list of district level office bearers. They will be published in subsequent issues..... Editor.**

**Following amendments to Constitution of AIBSNLPWA are proposed  
for consideration of the 4th triennial All India Conference of the  
Association to be held at Visakhapatnam on 2-3, December 2022.**

**EXISTING**

**PROPOSED**

**3. Headquarters:** The Headquarters of the Association shall be at H. No 6, G No 12th street, Jogupalya, Bangalore 560008.

Art. 3 Headquarters: .....at the seat of General Secretary, for the time being at.....

5 (a) A person retired from BSNL or from Department of Telecom or a family pensioner of BSNL/DOT is eligible for membership in the Association. A member has to pay an Admission fee of Rs 10.00 (which shall be retained by the District branch) along with the yearly subscription of Rs 100.00 (Rupees One hundred only) or Life Subscription of Rs 1000 (Rupees One thousand only).

5. A person retired from BSNL or Department of Telecom or a family pensioner of BSNL/DOT covered by CCS(Pension) Rules, 2021 only is eligible for membership in the Association. A member has to pay on admission fee of Rs 1000.00 (Rupees One thousand only) as life Membership subscription. Executive Committee of District Unit has the right to reject application for membership from any person, without assigning the reason.

**6. Eligibility to become Office-bearers:** No person who is not a member of the Association shall be eligible to become officebearer, except Patron and Advisor, of the Association at National level.

**6. Eligibility to become Office Bearers:** No person who is not the member of the Association shall be eligible to become office bearer including Patron and Advisor of the Association at any level. Office Bearers of the working Unions/Associations are not eligible to become office bearer of the AIBSNLPWA.

**7. Organizational Set-up: (a) National level:**  
(a) The CWC shall have the power to appoint Editor/Editors of the journal published by the Association and to nominate patrons or Advisors.

**7. Organizational(a)** The CWC/CEC shall have the power to appoint Editor of the journal published by the Association and to nominate patrons or Advisors who shall be permanent invitees to the Committee.

**(b) Circle Level:**  
(Total number of the above office-bearers shall not exceed 25 in the Circles having total paid up membership up to 5000 in previous year and it shall not exceed 30 in the Circles having total paid up membership above 5000 in previous year.)

**(b) Circle Level:** Total number of above office-bearers shall not exceed 25 in Circles having Life membership up to 5000 in previous year, it shall not exceed 30 in Circles having Life membership of 5001- 10000 and it shall not exceed 35 in Circles having Life membership of above 10000.)

**(c) District Level:**  
The District Unit shall be the base unit of the Association. However, the District Committee can, subject to ratification by the next General Body meeting, form branches for better and effective functioning of the organization. The jurisdiction of such branches shall be decided by the District Committee. If there is any dispute about the jurisdiction, it shall be decided by the Circle Executive Committee which shall be final.

**(c) District Level:** The District Unit shall be the base unit of the Association. However, the District Committee can, subject to ratification by the next General Body meeting, form branches for better and effective functioning of the organization. A Branch shall have at least ten members. Jurisdiction of branches shall be decided by the District Committee. If there is any dispute about the jurisdiction, it shall be decided by the Circle Executive Committee which shall be final.

The subscription collected by the branch shall be remitted to District, Circle and CHQ @ 20%, 20% and 20% respectively in the manner specified in Clause 11.

The subscription collected by the branch shall be remitted to District, Circle and CHQ @ 30%, 20% and 20% respectively in the manner specified in Clause 11.

**8 (a). Delegates:** Number of Delegates from District Units shall be One Delegate for every fifty members or part thereof (if it is 25 or more) for All India Conference and One Delegate for every Twenty five members or part thereof (if it is 12 or more) for Circle Conference. Number of delegates shall be decided on the basis of total Life Members up to the previous financial year and paid up average annual yearly members for the last three financial years for All India Conference and paid up average annual average yearly membership for the last two financial years for Circle Conference.

**8 (a). Delegates::** No. of Delegates from District Units shall be One Delegate for every 100 members or part thereof for All India Conference and One Delegate for every 50 members or part thereof for Circle Conference. No. of delegates shall be decided on the basis of total Life Members as at the end of previous financial year. Fraction of 0.5 or above shall be rounded off to next higher 1. A District Unit having less than 25 members has no right to send any delegate to Circle Conference. A District Unit having less than 50 members has no right to send any delegate to All India Conference.

**(b). Voting Strength:** In the Conferences and meetings of Committees, Committee Members and Delegates shall have one vote each, except for the purpose of election of office-bearers. For election of office-bearers the voting strength shall be as follows:

- (i) The voting strength of the Office-bearers in the All India Conference/Circle Conference shall be restricted to 10% of the total voting strength of the Conference subject to a maximum of one vote for each office-bearer. The person presiding over the meeting shall have casting vote in addition to his normal vote.
- (ii) Delegates from a District Unit to the All India Conference shall share equally the votes allotted to the Unit at the ratio of one vote for fifty members. In no case, the voting strength of a delegate shall exceed one vote.
- (iii) Delegates from a District Unit to the Circle Conference shall share equally the votes allotted to the Unit at the ratio of one vote for twentyfive members. In no case, the voting strength of a delegate shall exceed one vote.
- (iv) In the General Body of District Unit every participant has one vote.

**(b). Voting Strength:** In the Conferences and Committee meetings every participant shall have one vote each, except for the purpose of election of office-bearers. For election of office-bearers the voting strength shall be as follows:

(i) The voting strength of CHQ office-bearers in All India Conference shall be restricted to 10% of the total voting strength of delegates subject to a maximum of one vote for each person. Circle Secretaries and Delegates shall have one vote each. The person presiding over the meeting shall have casting vote in addition to his normal vote.

(ii) The voting strength of Circle office-bearers in Circle Conference shall be restricted to 10% of the total voting strength of delegates subject to a maximum of one vote for each person. District Secretaries and Delegates shall have one vote each. The person presiding over the meeting shall have casting vote in addition to his normal vote.

(iii) In the General Body of District Unit every participant has one vote.

**10. Funds:** Funds of the Association shall be the subscription/donations from the members as well as any financial aid received from the government. The funds shall be deposited in Post Office Savings Bank or in any nationalized bank as may be fixed

**10. Funds:** (After) "jointly operated by the Secretary and Treasurer" (add) "The FD of CHQ/ Circle Unit shall be utilized/disturbed only with a specific decision with 2/3rd majority of members

by the respective committee and shall be jointly operated by the Secretary and Treasurer. The subscription collected by District Units shall be apportioned as specified in Article 11 of this Constitution. The Admission Fee collected from members shall be retained by District Unit.

present in CWC/CEC meeting, and that too for a specific purpose.

Any welfare activity involving collection of donations from members, organized by office-bearers shall be done with specific approval of the respective Unit.

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**11. Quota:** 20% of Membership subscription received from the Members shall be remitted to Central Headquarters and another 20% shall be remitted to the Circle Unit by the District Units. Branch Unit shall remit 20% of the membership subscription to CHQ and another 20% to Circle through the respective District Unit and also remit 20% of membership subscription to the District Unit. The paid up membership of a district unit shall be determined based on quota for the respective financial year received by the Central/Circle Headquarters before 31st March of every year. The GS/CS has the power to declare any branch as defunct which has not remitted any quota to the CHQ/Circle during the previous financial year.

**11. Quota:** New allocation shall be:

Out of Rs 1000 collected from a member, Branch shall remit Rs 700 to the District. The District Treasurer shall remit Rs. 200 to CHQ, Rs 200 to Circle. If there is no branch under the District the District Treasurer shall remit Rs 200 each to Circle and CHQ. Branch shall submit its accounts to DS in April every year. District Unit shall submit its accounts to CS before June every year. Circle Unit shall submit its accounts to GS before August every year.

Add: Branches and Districts should remit the proportionate quota to higher levels within three months from the date of receipt of subscription.

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**14. Meetings:** (a) The All India Conference shall meet at least once in three years.

(b) The CWC shall meet at least once in a year. A notice for the same shall be issued by General Secretary at least 30 days in advance. For emergent meetings a notice shall be issued 15 days in advance.

(c) The Circle Conference shall meet once in two years at least and a notice for the same shall be issued by Circle Secretary 30 days in advance.

(d) The CEC shall meet once in six months at least and a notice for the same shall be issued by Circle Secretary 15 days in advance.

(e) The GB meeting of the district unit shall be held at least once in six months and the election of office-bearers shall be held once in two years. A notice for the same shall be issued by the District Secretary 15 days in advance.

(f) The meeting of District Committee shall be held atleast once in three months for which a notice shall be issued by District Secretary 10 days in advance.

**Proposal I:**

**14. Meetings: The Schedule shall be**

- (i) All India Conference: Once in three years
- (ii) Central Working Committee meeting: once in a year, virtually or physically
- (iii) Circle Conference: Once in three years
- (iv) Circle Executive Committee Meeting: once in six months, virtually or physically
- (v) District conference: Once in a year but election of office-bearers shall be held once in three years
- (vi) District Committee: as and when required, but at least once in three months..

**Proposal II:** AIC can be once in 5 years, Circle Conference once in 5 years and District Conference once in 4 years.

**The Notice period shall be**

- (i) All India Conference: 45 days
- (ii) CWC Meeting: 30 days
- (iii) Circle Conference: 30 days
- (iv) CEC meeting; 15 days
- (v) District Conference: 15 days
- (vi) District Committee: 10 days

**16. Disciplinary Action:**

[Existing clauses remain. Hence not repeated]

**16. Disciplinary Action:**

Add as (g)

In case any dispute arises in Circle Conference, the GS is authorized to take suitable action to intervene. In case any dispute arises in District Conference, the CS is authorized to take suitable action to intervene.

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**The above proposals are recommended by the Sub Committee. They become final only when AIC approves them. Date of effect shall also be decided by AIC. Some other proposals received from members are given below for consideration of the AIC.**

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## **Some other Proposals**

1. There is no provision for expulsion of membership hence it is suggested that any member against whom disciplinary action taken should be barred from holding posts at any level for a period of 4 years

2. Dissolution: In case the All India BSNL Pensioners' Welfare Association happens to be dissolved its assets and funds shall under any circumstances, not be distributed amongst its members but shall after meeting the liabilities, be transferred to any association/ Organization with similar aims and objects or to the reputed charitable institutions recognized by Government as decided by the All India Conference.

3. One shall not continue for more than three terms in the same post at any level

4. Delegates shall be elected by respective District Conference/GB meeting.

5. CECs shall nominate two CEC members (not belonging to same District) who shall verify the Accounts of District Association every six months in a financial year and submit the report to Circle Secretary. Similarly CWC shall appoint two CWC members (not belonging to the same circle) who shall verify the circle accounts once in a financial year and submit the report to the General Secretary. The CWC and CEC are empowered to take disciplinary action against Circle/District secretaries in case of non-cooperation and financial irregularities

**Note: The Sub Committee feels that the above are not feasible. We wish to place minimum number of amendments which are needed now because of some recent experiences. In two recent Circle Conferences, dispute arose as more delegates were allowed to participate. Financial irregularity was also a matter of dispute. We want to check such practices. At the same time, we cannot make our Constitution a Penal Code to impose discipline. We are all senior, matured citizens with lot of experience in Trade Union work. We should work with prudence. BSNL Pensioners face serious problems. Instead of utilizing our time to achieve the common demands, we cannot waste our time for creating and settling internal disputes. We can amend the Constitution further in future conferences based on new experiences.....GS.**

# 4th Triennial All India Conference, AIBSNLPWA

Reception Committee Bulletin No.2

## **Dear Comrades,**

Count down started for AIC Visakhapatnam, with hardly 2 months plus left. December and January being peak tourist months every year for Visakhapatnam, during which period tariff of hotel accommodation will shoot due to high demand. Room rents will be dynamically changing between Rs. 2000 to Rs, 4000 for twin accommodation. Despite all odds, reception committee is making all out efforts for the comfortable stay of our delegate fraternity.

## **ACCOMMODATION:**

It is hereby reiterated that, reception committee is providing the accommodation for CWC members, and only elected delegates cleared by respective circle secretaries. Stay being arranged in hotels provided with elevators and hot water supply and within 1 to 2 Km from the meeting venue. Accommodation will be made available strictly for 3 days i.e. 72 hours only, from check in time of 1st December, to checkout time of 4th December 2022. Delegates arriving prior to, and leaving after this period, should make their own arrangements, or seek reception committee help, at their cost. Each room will cater for three persons. As far as possible, delegates of each circle will be accommodated In the same hotel/ vicinity, with separate accommodation for lady delegates.

## **BOARDING:**

Boarding will be available from 1st December to 3rd December 2022 breakfast, lunch and dinner; and only breakfast on 4th December, at the meeting Venue. As we are all senior citizens, reception committee is making all possible arrangements suitably for food and comfortable stay.

## **INTIMATE YOUR PROGRAMME:**

As earlier requested, all comrades are requested to send their programme of travel with full details viz Date/time of arrival, train number, No. of delegates arriving batch wise, not later than 15th October 2022, by email to [aibslpwavsp@email.com](mailto:aibslpwavsp@email.com) so that we can plan the accommodation arrangements circle wise hassle free.

For any queries, contact

**9441058058 (KVD Swamy),  
9440131998 (P.Baburao), or  
9490132644 (T.Rajeshwar) .**

## **RECEPTION:**

It is once again intimated that reception counter will be available at a suitable place on platform 1, on 1st and 2<sup>nd</sup> Dec 2022 only. Delegates reaching before that, may make their own arrangements. However, they can seek guidance well in advance on the contact numbers communicated in bulletin 1.

## **TOURS:**

Every hotel is having travel desk facility to help the delegates to have tours in and around Vizag during their leisure time, Alternately reception committee will also arrange as per their choice and at their cost.

**SOMASUNDARA RAO  
GENERAL SECRETARY  
RECEPTION COMMITTEE.**