

# AHMEDABAD CWC

## A BRIEF REPORT

The meeting of CWC elected by Visakhapatnam AIC was held in Hotel White Cloud, Ahmedabad on 1<sup>st</sup> and 2<sup>nd</sup> October 2023 as notified. Following office-bearers present:

**President:** Sh. D Gopalakrishnan,

**Vice Presidents:**

Sh. M R Patnaik,

Sh. R S N Murthy,

Sh. P. Gangadhara Rao,

Sh. S G Panicker,

Sh. Atmaram Verma,

Sh. K Muthiyalu,

Sh. R D Ram

**Gen. Secretary:** Sh. V Vara Prasad,

**Deputy GS:** Sh. Anupam Kaul,

**Treasurer:** Sh. T S Vittoban,

**Asst Treasurer:** Smt. V Latha,

**Asst. General Secretaries:**

Sh. M Rajasekhara Reddy,

Ms. V Ratna,

Sh. Ramakant R Varma,

Sh. R N Singh,

Sh. G Babu,

Sh. R N Padanair,

Sh. Ashok G Nalwade,

Sh. P Jayaraman,

Sh. N Somanadham,

Sh. Mahatma Pathak,

**Org. Secretaries:**

Sh. P Pulla Rao,

Sh. Rajendra Chowdhary,

Sh. J S Dahiya,

Sh. C K Hosamani,

Smt. A Savitha,

Smt. A P Saraswathy,

Sh. P Venugopal,

Sh. A Sudhakar Rao and

Sh. Saket Shukla

Comrades (G Natarajan (VP) and C B Singh (VP) who tendered resignations did not attend. Com. J K Tripathy (VP), B Arunachalam (OS) and BPS Chouhan (CS Chhattisgarh) availed leave. Com. Gopal Dadar (CS Uttranchal) was absent. Com. Parveen Sharma (CS Delhi) could not attend and the Circle was represented by Com. Munshilal. Though we have five branches we could not form a Circle unit in Himachal Pradesh so far. Com. B D Sharma, District Secretary of Solan was present in the meeting. CWC, later on, nominated Com. B D Sharma as the Convener and authorized him to convene Circle Conference of Himachal Pradesh at the earliest in consultation with CHQ. Com. P S Ramankutty, Advisor was present throughout the meeting.

### **Condolences**

The House stood up in silence for a minute paying tributes to those who died in Balassore train accident and members of our Association who departed during the period.

When the meeting started at 10.15 AM on 1-10-2023, Com. DG, President

announced that Chennai Telephone Circle has nominated Com. M. Ranganathan in place of Com. Natarajan and Rajasthan Circle has nominated Com. Gyan Singh in place of Com. C B Singh. The House accepted the nominations and coopted Comrades Ranganathan and Gyan Singh as Vice Presidents.

Then Com. Vara Prasad, GS presented the report, assisted by other office-bearers. Com. T S Vittoban presented the audited accounts for 2022-2023 and also the unaudited accounts from April to August 2023. House approved the accounts and decided to debate upon the report.

**Felicitations:**

The Reception Committee desired to felicitate all CWC members for the historic victory in the legal battle waged by the Association for pension revision. As a token of appreciation, some of the office-bearers were garlanded and all the remaining CWC members were given floral bouquet. More than 50 comrades from various districts of Gujarat attended the function including some seniors who are not that much active these days due to old age.

**P S Ramankutty:**

Addressing the gathering Com. PSR focused on the significance of the Court order accepting our demand. He reminded the house that pensioners did not get any benefit automatically after last wage revision. In September 2008 6<sup>th</sup>

CPC report was implemented but we did not get pension revision. On 5-3-2009 BSNL revised pay of serving Executives but did not revise pension of retired Executives. On 7-5-2010 BSNL revised pay of serving Non Executive but ignored the retirees. IN that background we convened the national convention on 20-8-2009 at Tambaram. Shri D D Mistry was invited knowing his politics and he was elected as an office-bearer too. But after some time he resigned from the post. Our main target when AIBSNLPWA was formed was pension revision at any cost. WE achieved it in 2011. Then we struggled a lot and achieved some other benefits extended to BSNL retirees; viz. Full pension after 10 years' service, 50% of Last Pay Drawn for post 2006 retirees, two family pensions for re-employed Ex-servicemen, family pension to unmarried/divorced daughters of BSNL pensioners. Then in 2016 with the help of late Sh Anantkumar we achieved pension revision formula modified with 78.2% IDR. Most significant was annulment of 60:40 sharing formula. It has paved way for the present judgement from the CAT. Com. PSR narrated how we fought for family pension of some widows in Gujarat, Odisha, MP, AP, Tamilnadu etc. He appreciated the service rendered by DG in collecting and supplying all required documents relevant to the case to the lawyers. Com PSR reminded the CWC members that we have just won the battle at first stage only. We may have to continue the fight till an order is issued revising our pension.

**D Gopalakrishnan:**

Then Com. DG, the CHQ President spoke for an hour quite effectively and authentically placing all details of the pension revision issue, the efforts we made to settle the issue through negotiations and agitations and the circumstances that compelled us to resort to legal remedy. He explained how some other organizations handled the issue changing their positions. But our Association stuck to the stand consciously taken after repeated deliberations in many CWC meetings and national conferences. We debated upon the issue in CWC in 2013. We constituted a committee to draft our demand. It was approved by Chennai CWC in April 2014. He pointed out that we did not rush to the Court with petitions. We explored all other options to settle the matter but failed. We consciously selected the petitioners, Com. Gangadhara Rao (GS of our association) and Com. Ramankutty (Both pre-2007 retirees) and Com. Anupam Kaul (retired between 2007 & 2017) and Com. Latha who retired on 31/1/2020 under VRS-2019 scheme. Two were Executives and two were Non Executives. Every section of BSNL retirees is represented as petitioners in our Original Petition and that OA was allowed by the Court. As such all BSNL retirees shall be benefitted by the judgement. Some people are propagating, without studying the Court order properly, that post-2017 retirees shall not get the benefit. Our Association is the first applicant in the case and we

prayed for pension revision of all members of the association. WE have done this with clear understanding and perspective. The judgement is quite clear and unambiguous that our pension should be revised with CPC fitment factor and at par with central government pensioners.

Com. DG read out the professionally perfect legal opinion given in writing by our lawyer Adv. Gautam Narayan and explained the contents in detail. He asserted that this Legal Opinion of the Lawyer has removed all doubts and settled all apprehensions.

Com. DG said that some people, in and out, tried to create confusion earlier propagating that pension revision is not possible without pay revision in BSNL. We dismissed that wrong notion and stood firm. Now the Court of Law has itself vindicated our stand.

The entire House appreciated the assertions of Com. DG with prolonged applause.

Reception Committee felicitated some senior comrades who came to attend the special function despite their age related problems.

After the Lunch, when the House reassembled Com. Anupam Kaul, Dy GS ably gave gist of Com. DG's speech in Hindi and he further narrated his personal experiences in fighting the legal battle.

He pointed that during the last three years one and a half year was covid period when the Court did not function. SO we got the judgement within a period of one and a half years period only because we engaged a senior lawyer Adv. Sanjoy Ghosh even though we had to spend a huge amount of RS 18 lakhs for it. He narrated the way how the judges dealt the 'senior officer' from DoT during the hearing. Given the attitude of the people sitting in Sanchar Bhavan we must expect that they will obtain some legal opinion to file Appeal in the High Court and we must be prepared for a prolonged legal fight if necessary.

#### **Other Court Cases:**

President informed the CWC that we had filed two cases before Ernakulam Bench of CAT. 1) for revised pension on Last Pay Drawn for BSNL staff retired between 1-10-2000 and 31-12-2005. It was decided in favour of Government and we have filed an Appeal in Kerala High Court which is pending. 2) for arrears of pension from 1-1-2007 to 9-6-2013, on account of pension revision with 78.2% IDR. The case is heard and now stands postponed to 3-10-2023. (Again it is postponed to 7-12-2023....Editor) Government pleader placed before the Tribunal that a similar case was decided in favour of pensioners but Department has approached Supreme Court with Special Leave Petition. That case was fought by Com. B D Sharma of Himachal Pradesh who is present in this meeting. Let us hear him.

**B D Sharma:** Myself and 28 others filed a case before CAT Chandigarh in 2017. Judgement was pronounced in our favour on 23-1-2019 to pay arrears. But so far neither BSNL nor DoT have complied with the CAT order and hence filed a Contempt of Court petition. Then BSNL filed an Appeal in HP High Court. It was dismissed on the plea of delay. Then BSNL and DoT filed SLP before Supreme Court. On 27-9-2023 authorities submitted wrong information before Supreme Court that they have implemented CAT order and because of that SC disposed the Case. Now the Contempt Petition will be heard on 23-11-2023.

#### **Organizational Review:**

Initiating debate on organizational matters General Secretary informed the House about action taken regarding dispute in MP Circle and Jabalpur branch as directed by last AIC. He said if similar issues come up in other Circles CHQ cannot intervene everywhere and it is the responsibility of Circles to deal it properly in a democratic way if any dispute arises below the circle level. Fresh election was conducted in MP Circle. There are some issues regarding finance.

Whatsapp groups are maintained by many Circles. But few circles have not added GS as participant and hence CHQ is not aware of organizational matters in those areas. All information conveyed by CHQ through whatsapp should be shared with members by Circles so that

any information will reach more than 20000 members instantaneously. Pension Department has taken some initiative for Digital Life Certificate campaign. As an identified organization we too should participate in it.

President, intervening in the debate, told that organizational discipline, democratic functioning and financial discipline are the three core principles of our organisation and we should strictly adhere to those principles. He recalled the constitutional amendment passed in Vizag AIC about submission statement of audited accounts by the Districts to Circle and Circle to CHQ. He emphasized the importance of maintaining the membership list at Branch/District level.

Participating in the debate that followed Comrades K Muthiyalu, J S Dahiya, V S Thakur, Saket Shukla, Shyamalendu Bhattacharjee, Sundara Krishnan, G S Bajwa, Upender, S Thangaraj Venkiteswara Rao and Rajasekhara Reddy reported the organizational developments in their Circles.

General Secretary said that our comrades should not post messages of other organizations in our whatsapp groups. Some complaints were received that Com. Muthiyalu made some speeches opposing CPC fitment demand that we will not win the case in the court. I spoke to Com. Muthiyalu in June 2023. No CHQ office bearer should speak

against AIC/CWC decisions. Similarly, some people sent emails that Com. DG spoke in favour of 5% or 10%.

DG told that he never spoke in favour of 5% or 10% or 15%. He recalled that even in Vizag AIC he told that if DoT decides for pension revision with some percentage then we shall not stand in the way but continue our legal fight to achieve 7<sup>th</sup> CPC fitment factor. Rather Com. Muthiyalu admitted his mistake in Vizag CWC, regretted for the same but again he was indulging in such activities after AIC.

Com. Muthiyalu submitted that he did not speak against the AIC decision.

President told that once a decision is taken in CWC/AIC it is binding on all. If review is needed it can be raised in proper forum. Any indisciplined action should be stopped forthwith. Let us close the debate on it now.

The meet adjourned at 2000 hours.

**2-10-2023**

The house paid respects to father of the Nation, Mahathma Gandhi and Lal Bahadur Sastri, being their birth-anniversary.

President announced that CHQ leaders had some discussion with MP leaders about the organizational problems there and suitable instructions have been given

for protecting the fund of the Association. House accepted the proposals.

President further presented few resolutions regarding TA/DA, Editor's allowance, Com. T S Vittoban taking over charge of Printer & Publisher of the Patrika etc.

House approved the same.

Then GS presented the resolution on Pension Revision and future course of action. Com. Muthiyalu suggested that we should not go to High Court. President told that we are not going to High Court. In case the DoT goes to High Court with Appeal against CAT verdict we should engage a senior lawyer there and fight it out. Else all efforts made so far will be a waste. The House accepted his views and the Resolution was adopted unanimously. *[The resolution is printed in page 22.]*

Continuing the debate on organizational matters Comrades R S N Murthy, Nareshlal, Changappa, Smt. A P Saraswathy, R A Sharma, B N Behera, Smt. Savitha, R M Patnaik, J N Dubey, T P George, H N Singh, Anupm Kaul, J S Malik, Hosamani, Narender, Kailash

Gautam, Venugopal, M K Das, Rajasekhara Reddy, Saket Shukla, Atmaram Verma and R R Verma spoke on various issues like BSNLMRS, CGHS, FMA etc.

Com. Ramankutty stressed upon the task to help widows or divorced/unmarried daughters of deceased members.

Summing up the debate General Secretary further clarified the rulings on DLC campaign, FMA etc. He assured that CHQ shall take note of various issues raised by members.

As none invited next CWC or AIC it was decided to consider the matter later on.

Before concluding the Reception Committee arranged another function to felicitate all active comrades of Ahmedabad who worked day and night for the successful conduct of the CWC. The comrades were offered shawls by CHQ leaders.

With National Anthem the CWC meeting was adjourned sine die at 1400 hours on 2-10-2023.



Inspired by the success of Ahmedabad CWC, Punjab comrades have now decided to invite next CWC to Patiala, which will be in October/ November 2024