

UNITED FORUM
OF MTNL UNIONS & ASSOCIATIONS, DELHI & MUMBAI
APEX BODY

BHAI JAGTAP
MLC Maharashtra
Chairman UForum
M: 9821622211

Address: HM 10, Telegraph Lane
Atul Grove Road, New Delhi – 110001
E-Mail : *manish_bagchi@rediffmail.com*
Mobile: 9818920225; 9868133959

Ref. No. UFOM/2014-2018
Date : 27/04/2018

To

Smt. Aruna Sundararajan
Chairman TC & Secretary (T)/DOT
Sanchar Bhawan
20, Ashoka Road
New Delhi -110001

Shri P. K. Purwar
Chairman & Managing Director
Mahanagar Telephone Nigam Limited
Door Sanchar Sadan, 5th. Floor
9, CGO Complex, Lodhi Road
New Delhi – 110003

Subject :- PROTEST ACTIONS to press for the settlement of Long Pending Demands of M.T.N.L. employees.

Respected Madam / Sir,

We hereby convey our NOTICE to resort to the following peaceful Programmes of PROTEST ACTIONS to be observed by the employees and pensioners of MTNL, Delhi and MTNL, Mumbai :-

* **PROGRAMMES**

- 18/05/2018 : LUNCH HOUR DEMONSTRATION**
(Friday) # MTNL Corporate Office, CGO, New Delhi
Prabhadevi Telephone House, Mumbai
- 06/06/2018 : LUNCH HOUR DEMONSTRATION**
(Wednesday) # Sanchar Bhawan, New Delhi After gathering
Prabhadevi Telephone House, Mumbai
- 27/06/2018 : RALLY TO PMO and submission of MEMORANDUM**
(Wednesday) to Prime Minister at NEW DELHI
RALLY TO ED Office at Mumbai

Contd...p/2

DEMANDS & BRIEFS

**I. Implementation of merger of 50% DA effectively amounting to 78.2%
as on 01/01/2007 :**

This is a long pending issue. The employees and pensioners are seriously aggrieved due to MTNL's denial of its implementation. They have raised this issue on various occasions through various forums / organisations. MTNL should have implemented the DPE's OM dated 02/04/2009 long before. MTNL had assured to consider implementation of this after Government's taking over of the pension liability. But the said assurance has been flouted. Even after DOT's clear directions vide No. 11-1/2009-SU-II dated 08/02/2018, MTNL management continues to deny implementation.

Recently, in the month of March, 2018, MTNL Corporate Management has arrived at an "agreement" with the so called majority unions for neutralization of DA only to the extent of amounting to 73.8% instead of 78.2% that too notionally from 1/1/2007 and actual monetary benefit being w. e. f. 1/1/2018. At the outset the recognized Unions have no mandate to enter into such wage agreement as the validity period of their recognition is over. For MTNL Mumbai it expired in 2011 and for MTNL Delhi, it expired in 2014. Thus they have lost their mandate to negotiate on important issues as per the guidelines issued by Ministry of Labour. More over the Associations representing the below Board level executives and the Associations of Pensioners have not been taken into confidence in this respect. The pensioners (on combined services) whose liabilities rest with DOT, will also be affected. They will lose pensionary benefits to the extent of less neutralization of 4.4% of IDA. MTNL has made United Forum as defendant No.1 in the court cases that have been filed with reference to agitations. Then why MTNL Management does not involve United Forum in the discussions on the issues ?

The effective rate of IDA on 01/01/2007 was 78.2% and so the employees and pensioners don't agree with this so called "agreement" for less than 78.2%. It is against the orders of DPE's OM No. 2(70)/08-DPE(WC) dated 02/04/2009, duly endorsed by DOT for implementation. IDA component of less than 78.2% in the fitment process violates Govt. policy of 100% neutralization. That the resultant monetary effect will be from 1/1/2018 is erroneous as the revised Pay as per 3rd PRC is to take effect from 01/01/2017. So United Forum reiterates that the IDA component in the revision of Pay/Pension on 01/01/2007 should be 100% neutralization of 78.2% and the monetary effect SHOULD BE 01/01/2007.

2. Revision of Pay of MTNL Employees :-

The Pay Revision for CG Employees in MTNL has been implemented long before as per 7th CPC. But the Pay Revision of the erstwhile DOT employees absorbed in MTNL has till now been denied.

Contd...p/3

The reason put forth, apart from financial constraint, is that the affordability clause as prescribed by 3rd.PRC does not justify the pay revision of the employees of MTNL & BSNL. The employees of MTNL/BSNL have been protesting against this so called "affordability clause" since beginning. But DOT/MTNL continue to ignore their protests. Very recently DOT is reportedly processing this case for necessary approval of the competent authority to waive affordability clause for revision of pay of BSNL employees. But there appears to be no such move for the revision pay of MTNL employees so far.

MTNL employees should not be made scapegoats for the financial distress of MTNL. The responsibility for MTNL's "insipient sickness:" status squarely rests upon the top management of MTNL and DOT. They were either a party to and or a silent spectator at the huge misuse and wastage of funds. They ignored and failed to stop induction of obsolete technologies and diverting the funds for useless purposes. They failed to scale up and introduce new technologies both in wireless and in wireline to remain a competitor in the market. Adherence to prudent financial policies is missing. Despite the financial stress conditions the employees who are not absorbed in MTNL got Pay Revision and 100% neutralization of DA but those absorbed in MTNL are tied to the wheel of denial. THIS IS NOT ACCEPTABLE.

It is learned that MTNL is suggesting to have parity of pay scales for MTNL and BSNL in view of Govt's taking over the liabilities of pension (combined services) of MTNL. But this again need detailed discussions with the various stake holders amongst employees and their representatives. There are employees in MTNL, e.g., Pro-rata optees and the executives directly recruited by MTNL etc. They are not the beneficiary of Govt's taking over of pension (combined services). Their interests should be protected while implementing pay parity with BSNL's scales of pay. So the **better course may be first to get removal of affordability conditions. Then the Pay Revision and the pay parity may be discussed extensively with all sections of employees after the revised pay scales are decided by the BSNL.**

3. Revision of Pension/ Family Pension (Combined Services) :-

As regards **pension revision**, the least that can be said is that the prospect has been deliberately made bleak. The mindless and oft-repeated excuses are (1) No DA neutralization for pensioners as the same is not done for the employees. (2) No pension revision for pensioners as the pay revision is not in sight. Thus this section of senior citizens have been thrown to the deep den of despair and frustration. In the fag end of their life, with every day passing, the frustration increases. **Their situation is understandably desperate.** The delay may spell denial for them. They have been caught in the cobweb of MTNL/DOT wrangling over the issues of revision of pension/family pension and for full neutralization of IDA.

The issue of pension revision needs to be considered from a different angle instead of considering it as a corollary of Pay Revision.

The fitment factor for revision of pay as recommended by 3rd PRC and the conditions attached to it are not at all applicable to the revision of pension of combined service pensioners. The Pensioners retired from MTNL (combined services) were recruited by Government and all their pensionary benefits are paid by Government and debited to Civil Services Estimates. All the pensionary benefits are governed by the CCS (Pension) Rules which are amended from time to time as per Pay Commission recommendations. Thus their gratuity limit was revised wef from 01/0/2006 and again wef 01/01/2016: the calculations of average emoluments, minimum and maximum limit of pension, qualifying service etc., were also modified wef 01/01/2006 and wef 01/01/2016 as per the Government orders on 6th and 7th Pay Commission recommendations respectively. Ministry of Health has extended the CGHS benefit to them because their pension is debited to the Civil Services Estimates. Therefore the combined service pensioners retired from MTNL are Central Government pensioners for all purposes including for revision of pension.. Hence all the orders of Government on acceptance of 7th CPC on Pensionary benefits including the revision of pension are applicable to them. So it is demanded that the pension revision be done by applying suitably evolved formula within the ambit of 7th CPC recommendations.

4. Another option for Pro-rata pension optees.

Government took over the liabilities of pension (Combined services basis) of MTNL at a later date after absorption. So at the time of exercising option for pension there was no informed choice. There is a section of absorbed employees in MTNL who did not get opportunity for exercising pension option as they had less than required "qualifying service" on the date of absorption. So as a fate accomplice, they had to embrace EPF pension. But if their services are combined they have more than the required period of "qualifying service". Then there is another category of the absorbed employees, mostly casual laborers regularized by DOT subsequently. They could not avail pension option because they did not have qualified length of regular service, neither in DOT nor in MTNL, whereas their combined service is sufficient for required qualifying service for pension. For the sake of fair treatment all these employees must be provided with another scope of pension option.

DOT took up this issue to examine. Some information was called for from MTNL. But MTNL has not provided this information so far. Thus this issue is stuck up.

5 Implementation of NE 12 PAY Scale is demanded w. e. f. 01/04/2009 as per the agreement without the condition of stagnation.

6. Allowing members of Employees' Pension Scheme, 1995 the benefit of the actual salary in the Pension Fund exceeding wage limit of either Rs5000/- or Rs 6500/- per month in compliance with the court order and as approved by MOL&E.

On implementation of this, the employees who are the beneficiaries of EPFO pension, will secure substantial rise in their pension. This will strengthen their social security on

retirement from MTNL services. But MTNL management is resisting its implementation on the plea of "exempted category." MTNL should weigh the pension benefit of the eligible employees over the mere technicalities. But it is unfortunate that the priorities of MTNL management is contrary to the welfare of the employees.

7. Creation of 30% Corpus in MTNL for the benefit of the eligible employees as per recommendations of 2nd PRC.

BSNL has already initiated this with LIC as a fund manager. BSNL has progressively increased the contributions and presently it is pegged at 5%. MTNL is yet to take any step in this direction ignoring the popular demand of the direct recruit executives etc.

CONCLUSION

We would urge upon MTNL/DOT to initiate meaningful discussions to solve these long pending issues. In the absence of any union who can be justifiably now called as "recognized as majority unions", the discussions should be broad based. The United Forum at Mumbai and Delhi represent both employees (Executives and Non Executives) and Pensioners. So we request MTNL/DoT to discuss these issues with United Forum before taking any decision on these issues.

But if unfortunately this is not conceded, the PROTEST ACTIONS will take place as notified and, if required, United Forum may resort to higher form of TRADE UNION ACTIONS including Indefinite Strike. The employees and United Forum will not be held responsible for such an eventuality.

With regards,

Yours sincerely,

(Bhai Jagtap)

Chairman / UF Delhi & Mumbai
M; 9821622211

(Mange Ram Sharma)
President / UF Delhi
M : 9868133959

(Suresh Kumar)
Secretary/ UF Delhi
M; 9868240035

(M. K. Bagchi)
Convener / UF Delhi
M: 9818920225

(J. S. Yadav)
President / UF Mumbai
M : 9869041090

(S.S. Singh)
Secretary / UF Mumbai
M; 9869023344

(S. M. Sawant)
Convener/UF Mumbai
M; 9869072424

Copy To :-

1. Shri Manoj Sinha,
Hon'ble Minister, Govt. of India, For information and kind intervention
2. Shri N. Sivasailam, Special Secretary /DOT
3. Shri Anuradha Mitra, Member (Finance) /DOT
4. Member (Services) / DOT
5. Director (HR) / MTNL Corporate Office
6. Executive Director, MTNL Delhi/Mumbai