

ALL INDIA BSNL PENSIONERS' WELFARE ASSOCIATION

[Regd. T 1833/09]

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SPECIAL CIRCULAR

Dear comrades,

[Com. Gangadhara Rao, suffering from very severe pain on spinal cord, was in an Ayurveda Hospital at Palakkad in Kerala for three weeks. Since he did not get the desired relief he returned to Bangalore. After further investigations the expert doctors advised immediate surgery and he has undergone it. Surgery is successful, he is recovering slowly. He may have to remain in hospital for few more days. On his request and in consultation with him over phone, I am issuing this circular, in view of the urgency: PSR]

IMPORTANT DEVELOPMENTS:

All of you are aware that Hon. Minister for Parliamentary Affairs, Shri Pralhad Joshi on 9/11/2019 at Hubli asked us to come to Delhi during the winter session of Parliament and he would arrange a meeting with Hon. MoC and help resolving the issue of pension revision.

Coms. D. Gopalakrishnan (VP), T.S.Vittoban (Treasurer), Anupam Kaul (AGS) R.Changappa (C/S Karnataka) and seven comrades under the leadership of Shri N. K. Gandigawad including district secretary of Hubli, totally 11, met the Hon. MoC Shri Ravi Shankar Prasadji on 9/12/2019 evening. In fact Pralhad Joshi brought Shri Ravi Shankar Prasadji to the visitor's room in Parliamentary Affairs Minister's office. The meeting held for 15 to 20 minutes in the presence of Shri Joshi.

Com DG recalled the meeting with MoC held on 02/07/2019 and the discussions we had with concerned officers in DoT. On the basis of that discussion we submitted a memorandum on behalf of CBMPA on 02/08/2019 to Secretary (T). We did not disturb the minister for nearly five months as he was busy with revival of BSNL/MTNL. Now we seek the Hon. Minister's intervention to settle

this demand of pension revision issue. We also told the minister that the officers in DoT have a mind-set that the without pay revision pension revision is not possible; 7th CPC fitment factor cannot be applied to IDA pensioners.

After DG's narration MoC said that BSNL, being a PSU is serving the nation especially at the time of natural calamities and the government wants both BSNL & MTNL to survive. For revival of these two PSUs he had to approach Hon. Prime Minister & Home Minister because there was stiff opposition from the finance ministry. Ultimately he could get Cabinet clearance. An attractive VRS is offered and hence 92,000 officials opted for VRS. Now he cannot go to the Govt. again for funds for pension revision. The officials have cooperated and opted for VRS and he cannot ignore their pay revision and he cannot think of pension revision alone. So, please wait. When we asked 'how long' he said that till BSNL earns profit. Pay revision and pension revision can be thought of only at that point of time. The meeting ended that way.

Regarding the viewpoint of officers in Sanchar Bhavan the Minister very categorically declared that **he is with his officers.**

Subsequently he confirmed it in a reply to an MP in the Rajya Sabha on 12th December 2019 also. We have been waiting for three-four years for a policy decision by the Govt/ MoC on our pension revision. **It is now virtually rejected, in soft words..**

Then the question arises “when will BSNL earn profit”?. No one can answer the question precisely. But there are some inputs. Service through 4G may be possible only after some time. Many BTS are down because of lack of electricity or fuel. The PSU may save approximately Rs. 6000 crores from the salary account because of VRS. But nearly half of this saving needs to be spent on outsourcing to maintain the existing service. Taking all these factors into consideration BSNL profitability is not feasible for another 3 years at least.

In this background, CBMPA met on 10/12/2019. M. K. Bagchi, D. Gopalakrishnan, Anupam Kaul, S. S. Nanda, R. K. Mudgal, Kishan Singh participated in the meeting. Coms. Vittoban and Changappa were also present. The previous day's meeting with MoC was explained to them. DG also explained about absorption of DGCA (Civil Aviation department) employees in NAA and later AAI (Airport Authority of India). AAI by a letter dated 18/06/1996 introduced IDA pay scale with retrospective effect from 02/01/1989 (the date of absorption). 6% or 7% employees only opted for government pension and others opted for either pro-rata pension or 100% commutation. All the retirees got the arrears on IDA pay but their pension (for government pension optees) was not revised on IDA pay. The affected individuals approached CAT and got their pension revised on IDA pay. They were drawing that pension till 31/12/1995. After implementation of 5th CPC from 01/01/1996 their pension was revised on CDA pattern and similarly 6th CPC benefit was also extended from 01/01/2006. Whereas AAI employees got their pay revision from 01/01/1997, 01/01/2007 & 01/01/2017. The **pension revision of combined service optees was not linked to pay revision.**

All other CBMPA members expressed that they were not aware about this issue and it is a new input to them. It was not a solitary case. Several affected CAD pensioners approached the CAT and got favourable judgements which were upheld by Hon. High Court of Delhi on three different dates on three CAT judgements.

It was informed that AIRBSNLEWA has already taken some steps to seek legal remedy. Sh. Kishan Singh informed that they have consulted one lawyer and his opinion is that there is merit in the case. All have lost hope for negotiated settlement. It was unanimously agreed that we should seek legal remedy for settlement of pension revision. There should be a common petition and common prayer. DG can prepare the draft and circulate to all other constituents for their opinion and improvement. It was decided to meet the lawyer who appeared for AAI pensioner and discuss with him about the merit of our case.

On 11/12/2019 Coms Bagchi, Prahlad Rai, Anupam Kaul, Vittoban, Changappa and DG met that lawyer Shri M. K. Bharadwaj at his residence. He opined that there is merit in the case and it is a fit case also. He also told that Principal Bench, CAT, ND judgements are mostly pro-govt. It is better to file 2 or 3 cases in different parts of the country and if one gives the positive judgement we can take advantage of that. Sh. Prahlad Rai told that his lawyer also gave the same suggestion.

On 12/12/19, Comrades DG, Anupam Kaul, Vittoban and R. Changappa had a discussion with Com Sebastin, GS SNEA. Coms Jogi, Khan and R.K.Mudgal were also there. Com. Sebastin categorically informed that pension revision cannot be settled through negotiation and they have decided to seek legal remedy and have already consulted one lawyer in Delhi and another lawyer in Chennai. Both have opined that it is a fit case on merit. When we asked about their prayer he told that they are open for both 15% (PRC) and 32% (7th CPC). The

legal opinion is that it is possible to get on IDA. Then we explained about AAI case, which they were not aware of. With this new input he said that he would consult the lawyer again. We told him that it is our continuous and consistent stand that we are for 7th CPC fitment factor and there is no change in our demand and it is the permanent solution for the future retirees also. We also told about our proposal submitted to Secretary (T) on 02/08/2019 on behalf of CBMPA. He suggested that we can meet advocate Ms. Vaigai, Chennai whom their representative already met, and give the information about AAI case. He also said that money will not be a problem. Ultimately they said that their aim is to get pension revision and the prayer can be decided on the basis of legal opinion. He said that it is better to file the case early at least by the end of January 2020 because already we have lost few years. We told them that if there is unanimity in prayer then there can be a joint petition.

On 13/12/19 nine CWC members available in Chennai met and discussed these developments. All of them wanted to inform these developments to all CWC members through circular. They also agreed to seek legal opinion in Chennai. They request our leaders in other cities where CATs are functioning to seek legal opinion, if those CATs are generally pro-labour and give the feed-back to CHQ. Punjab/Haryana comrades are requested to seek legal opinion because that CAT is considered to be delivering judgements on genuine merits.

Comrades,

Holding an emergent CWC is not feasible. Com. Gangadhara Rao may not be able to attend it. Already a CWC decision is there. We discussed the issue of future pension revision in several CWC meetings from Ernakulam CWC in November 2013 onwards. Chennai CWC in 2014 constituted a committee consisting of Comrades Ramankutty, Gopalakrishnan, Muthiyalu and Natarajan. A demand was formulated. It was discussed in Bangalore AIC in 2015 and

again in Puri AIC in 2018. We are consistent on our demand. Finally in February 2019, we met in CWC at Kanyakumari and the matter was discussed threadbare. We had come to know the mindset of officers in DoT. A conscious decision was taken by CWC to resort to legal remedy as LAST RESORT. Our CHQ was directed to take proper decision about filing the case at the appropriate time. CHQ goes by AIC/CWC decisions. Individuals may have some other ideas. We tried to get a political decision. Now the Minister is trying to link pension revision with financial condition of BSNL and pay revision in BSNL. With all optimism let us hope that BSNL will earn profit after few years. At that stage if the staff unions agree for a pay revision fitment formula of 5% based on the profit of the company, can it be accepted for pension revision?. Again, we will be compelled to approach Court of Law for justice. If some other organisation goes for a case now its decision will affect us also. So the Question is: Now or Later? At the same time, we are aware of all pitfalls of court cases. We are pushed to such a situation. In AIBSNLPWA we take democratic decisions. Already there is a CWC decision. Hence, I request all CWC members to convey your views, through letter or through whatsapp, on the following:

1. Should we file the case now along with other organizations on a common prayer? Or should we wait till Gorakhpur CWC in March 2020, as suggested by some comrades?

2. What is the other alternative? What can be other action plans possible to be organized?

Kindly intimate your views immediately so that I can discuss it with GS during my visit to Bangalore during Christmas holidays.

Yours fraternally,

P S Ramankutty,
President.

15-12-2019