

Contempt Case
Urgent

No.38-16/2014-Pen(T)
Government of India
Ministry of Communications
Department of Telecommunications

516, Sanchar Bhawan
20, Ashoka Road
New Delhi – 110 001.

Dated the 7th Oct., 2021.

To

1. All CCAs, DoT
2. Director of Postal Accounts

(As per list attached)


Subject : Implementation of the order dated 16.12.2016 of the Hon'ble CAT (PB), New Delhi in OA No.2173/2014 in the matter of All India BSNL Pensioners' Welfare Association & Ors. Vs. UOI & Ors.

It is intimated that All India BSNL Pensioners' Welfare Association (AIBSNLPWA) raised the issue of anomaly in pension of the absorbed BSNL employees, who retired within 10 months of the effective date of absorption i.e. 01.10.2000. Pension of these absorbed employees of BSNL was to be calculated on the basis of average emoluments of their last 10 months before retirement – some period of which (prior to 01.10.2000) fell under CDA and the remaining period fell under IDA. Pay Scales in CDA was less than that of in IDA Pay Scales. The Dearness Relief in such cases was to be allowed on IDA rates, which is less than DR rates under CDA. Thus, these absorbees got pension based on average emoluments which included an element of CDA whereas the DR on pension is allowed on the basis of IDA resulting in an anomalous situation where these pensioners got less pension.

2. It has been decided with the approval of the competent authority to implement the order dated 16.12.2016 of the Hon'ble CAT (PB), New Delhi in OA No.2173/2014 in the matter of AIBSNLPWA & Ors. Vs. UOI & Ors, on dismissal of WP(C) No.10019/2017 of DOT by the Hon'ble Delhi High Court, vide judgment dated 24.01.2020, thereby removing anomaly in pension of the absorbed BSNL employees retired within the period of 10 months from 01.10.2000. Their pension is to be re-fixed from the date of their retirement by adopting the formula as contained in the DOP&PW's OM dated 18.10.1999 by giving them notional benefit of IDA pay for the period their pay was taken in CDA pay for the purpose of calculating average emoluments and, thereafter,

grant all consequential benefits. Two illustrations (methodology adopted) are given in the Annexure-I of this letter for removing anomaly in pension of the ex-BSNL absorbed employees retired within the period of 10 months from 01.10.2000. Accordingly, revised pensionary benefits may be extended suo moto to all affected pensioners. However, in case of death of pensioner, payment may be made suo moto based on nomination as per Arrears of Pension(Nomination) Rules, 1983. In the absence of nomination, the arrears may be paid to legal heirs of the deceased pensioners who apply for the same.

3. All concerned offices/CCAs are requested to take further action in the matter for removing the anomaly in pension of the ex-BSNL absorbed employees retired within the period of 10 months from 01.10.2000 as per the illustrations given in the Annexure-I of this letter and, thereafter, grant all consequential benefits.


47/10/21
(R K Tondar)
Director(Estt-II)
Tel.No.:011-2303 6484

Copy for information to

- (1) CMD, BSNL
- (2) DDG(Accounts), DoT
- (3) PS to Secretary, M(F)/M(S)/Addl.Secretary/all DDGs

Annexure-I to letter No. No.38-16/2014-Pen(T) dated 07/10/2021

Illustrations for removing anomaly in pension of the ex-BSNL absorbed employees retired during the period from 01.10.2000 and 30.06.2001

Illustration (A) date of retirement - 30.11.2000 CDA pay scale of Rs.5000-150-8000 last pay drawn -Rs.6050, with date of increment in January and CDA DR - 41%

Calculation of Average Emoluments/pension in CDA pay scale (initially paid on retirement)

1.2.2000 to 30.11.2000- 6050 X 10 = 60500

10 months total = 60500

Average Emoluments = 6050

Pension = 3025

Pension + CDA DR = 3025 + 1240 = **4265**

Calculation of Average Emoluments/pension partly in CDA and partly in IDA pay scales on absorption in BSNL

Corresponding IDA pay scale of Rs.7100-200-10100, last pay drawn fixed as 8500 on point to point basis and IDA DR 28%

1.2.2000 to 30.9.2000-6050 X 8 = 48400

1.10.2000 to 30.11.2000-8500 X 2 = 17000

10 months total = 65400

Average Emoluments = 6540

Pension = 3270

Pension + IDA DR = 3270 + 916 = **4186**

Methodology adopted for calculation of Average Emoluments/pension by allowing notional benefit of IDA pay scale for the number of months for which he drew pay in CDA pay scale.

1.2.2000 to 30.11.2000-8500 X 10 = 85000

10 months total = 85000

Average Emoluments = 8500

Pension = 4250

Pension + IDA DR = 4250 + 1190 = **5440**

Illustration (B) date of retirement - 31.10.2000 CDA pay scale of Rs.5500-175-9000, last pay drawn - 7250, with date of increment in March and CDA DR - 41%

Calculation of Average Emoluments/pension in CDA pay scale (initially paid on retirement)

01.1.2000 to 29.2.2000 - 7075 X 2 = 14150

1.3.2000 to 31.10.2000 – 7250 X 8 = 58000

10 months total = 72150

Average Emoluments = 7215

Pension = 3608

Pension + CDA DR = 3608 + 1479 = **5087**

Calculation of Average Emoluments/pension partly in CDA and partly in IDA pay scales

IDA pay scale of Rs.7800-225-11175, last pay drawn fixed as 10050 on point to point basis and IDA DR 28%

1.1.2000 to 29.2.2000 – 7075 X 2 = 14150

1.3.2000 to 30.9.2000 - 7250 X 7 = 50750

1.10.2000 to 31.10.2000 – 10050 X 1 = 10050

10 months total = 74950

Average Emoluments = 7495

Pension = 3748

50% of the minimum of the IDA pay scale = 3900

Pension + IDA DR = 3900 + 1092 = **4992**

Methodology adopted for calculation of Average Emoluments/pension by allowing notional benefit of IDA pay scale for the number of months for which he drew pay in CDS pay scale.

1.1.2000 to 29.2.2000 - 9825 X 2 = 19650

1.3.2000 to 31.10.2000-10050 X 8 = 80400

10 months total = 100050

Average Emoluments = 10005

Pension = 5003

Pension + IDA DR = 5003 + 1401 = **6404**

Annexure-II to letter No. No.38-16/2014-Pen(T) dated 07/10/2021

Names of the applicants of OA No.2173/2014

- (1) Shri Ved Prakash Gupta, Ex-Sr.SSO, CTO, R/o 17-F, Pocket-4, Mayur Vihar (Phase-1), New Delhi-91
- (2) Shri R. Raghunathan, Ex-Chief Telegraph Master, CTO, R/o 40, First Main Rd., Purushothaman Nagar, Chromepet, Chennai
- (3) Shri G.R. Dharmarajan, Ex-Chief Telephoe Operator No. 3, R/o Sekkjar Street Extn., Bibikulam, Madurai-625002
- (4) Shri M.S. Muthukrishnan, Ex-SDE Chennai Telephones No. 1, R/o 26th Cross Street, Besant Nagar, Chennai.
- (5) Shri T.K. Sundaramoorthy, Ex-DE, RTTC, R/o 4, Shanti Nagar, 6th Street, Adambakm, Chennai.
- (6) Shri Nabin Chandra Nayak, Ex-Sr.AO, Orissa, R/o N-1/253, IRC Village, CRP Square, Bhubaneshwar (Orissa)- 751015
- (7) Shri RoshanLal Kapoor, Ex-ADG, DOT HQ, New Delhi, R/o Flat No. 1, Upper Ground Floor, Tower P5, Prateek Grand City, Sidharth Vihar, NH-24, Ghaziabad, U.P. 201009.
- (8) Shri A.S. Ramchanraiah, Ex-CSS, Karnataka, R/o 509, 65th Cross, 5th Block, Rajaji Nagar, Bangalore-560010
- (9) Shri V. Ramachandaran, Ex-SDE, Calicut, Kerala Circle, R/o Thiruthi House, Kumaranpadi, P.O. Nirmaruthur, Malappuram, Kerala.
- (10) Shri U.S.N. Murthy, Ex-CSS, Andhra Pradesh, R/o G-2, Srinidhi Residency, Saptagiri Colony, Kukutpalli, Hyderabad-500072
- (11) Shri Vijay Kumar Rustogi, Ex-Sr.TM(T), CTD, New Delhi , R/o B-184, Surya Nagar, Ghaziabad, U.P.
- (12) All India BSNL Pensioners Welfare Association Through Shri Chhidu Singh, Deputy General Secretary, Central Headquarters, RZ-60/5, Gali No. 9, Tughlakabad Extn., New Delhi-110019

