



Regd. No. T1833/09

ALL INDIA BSNL PENSIONERS' WELFARE ASSOCIATION

Central Head Quarters [Regd. No. T 1833/09]

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Date: 13/12/2022

Shri Ashwini Vaishnavji,
Hon. Minister for Communications & IT,
New Delhi

Respected Sir,

Sub: **Pension Revision from 1/1/2017 for BSNL/MTNL pensioners on the basis of fitment factor recommended by 7th CPC**

At the outset we express our sincere thanks for your kind intervention to delink pension revision from pay revision.

May we request you sir, for your kind intervention for getting pension revision from 1/1/2017 on the basis of fitment factor recommended by 7th CPC which is justified because of the following reasons:-


- Rule 66(1) of CCS (Pension) Rules, 2021 says *"the pension authorized under Rule 44 and family pension authorized under rule 50 may be revised by the Govt. in accordance with any general order issued in implementation of decisions taken on the recommendations of the CPC, or otherwise"*.
- For pre-2017 retirees, pension + DA as on 1/1/2017 may be merged with a weightage of 32% of basic pension; in simple terms the basic pension as on 1/1/2017 may be multiplied by a factor of 2.515.
- In the absence of pay revision (because of unviable financial position of BSNL/MTNL) for those employees who retired after 1/1/2017, to avoid any anomaly, their pension on the date of retirement may also be multiplied by the same factor of 2.515.

- Retirement components of commutation and gratuity is paid to BSNL/MTNL retirees on the basis of CCS (Pension) Rules, at par with C.G. employees/pensioners and there is no logic or rationale to deny the 3rd component of pension at par with C.G.pensioners. BSNL/MTNL retirees did not get their gratuity as per payment of gratuity act 1972 which was given to other CPSE retirees.
- The argument advanced (quoting rule 66(5) of CCS pension rules) by DoT that on absorption they cease to be Govt. employees is not valid because a similar provision was quashed by a 4 member bench of Hon. Supreme Court (W.P©No.11855/85) way back on 15/12/1995. Punjab-Haryana HC Division Bench judgement dated 12/3/2019 in A S Gill Vs Uol & Ors in CWP No.16071of 2016 is a recent example. Further, the absorbees of civil aviation department got their pension revision in accordance with CPC recommendations.
- Denial of CPC fitment factor on the plea that we got pay on IDA whereas C.G. employees got their pay on CDA pattern cannot be a valid reason because IDA pay is the legal requirement as per Apex court judgement dated 3/5/1990 followed by DPE OM dated 12/6/1990 that any CPSE started after 1/1/1989 should only have IDA pay.
- Denial of CPC fitment factor on the plea that we got more pay than C.G. employees is also not a valid point because at the time of absorption, to lure DoT employees to BSNL, DoT offered a minimum increase of Rs.2500/- to Executives and Rs.1500/- p.m. to non-executives.
- DoT vide its letter No.A13016/1/188-oc dated 22/1/1990 sought clarification from the nodal agency i.e. DoP&PW regarding the pension to Videsh Sanchar Nigam Ltd (VSNL) employees who opted for government pension. DoP&PW clarified vide OM No.4/18/87-P&PW(D) dated 7/2/1990. Para 20 of that clarification stated *"the employees who had opted to retain the pensionary benefits under the C.G. Rules, the emoluments drawn under the PSU shall be treated as emoluments for the purpose of Rule 33 of CCS (Pension) Rules"*. Para 22 of that clarification stated *"In short, it was clarified that when the employees of VSNL will retire from the Nigam, he shall retire with pensionary benefits as if he had retired from the C.G. service"*.
- The nodal agency, the pension department forwarded the representation dated 12/2/2019 from CBMPA addressed to JS, pension

- department requesting for pension revision on the basis of 7th CPC fitment factor and requested DoT to examine the proposal and sought the comments from DoT on it but DoT did not send its comments on the proposal. So, the nodal agency is not against the proposal but only DoT has to take a call on it.

May we request you, sir, for your kind intervention for favourable decision at the earliest.

Thanking you

Yours faithfully,

(V Vara Prasad)
General Secretary