

Our Response to pension revision ID Note

Note on 'pension revision of BSNL/MTNL pensioners from 1/1/2017' has been released by some associations, may be with the concurrence of DoT. We suspect that there should be a motive behind this. Anyway it is good that it has come out whatever may be the intention.

2. We do not know how many pensioners would read it carefully and understand the mindset of the officers in Sanchar Bhawan.

3. On this issue, the stand of DoT in 2018 and 2021 is totally different. In 2018 DoT stated ***“Therefore, the case of retired employees of BSNL/MTNL is same as that of Government pensioners. It was also stated that at the time of the absorption, there was no intention of depriving the Government employees of pension on their absorption in BSNL/MTNL”*** (please refer para 5 of DoP&PW reply).

4. In 2021 DoT stated that they ceased to be Government servants quoting rule 37(5) of CCS (Pension) Rules, 2021.

5. Though we have submitted copy of DoP&PW OM dated 5/3/1987 and copy of Apex court judgement by a four member bench delivered on 15/12/1995 quashing para 4 of that OM (which also stated that they cease to be government servants on the day of absorption in PSU). We herewith attach the relevant OM and Apex court judgement for the benefit of pensioners.

6. DoT in para 8 of its 'note' stated **“the rules applicable to CPSE shall be applicable to these absorbed employees/pensioners”**. This is a wrong information with regard to pensioners. The rules of CPSE are not applicable to absorbed BSNL/MTNL retirees but CCS (Pension) Rules only are applicable to them. CPSE rules are applicable only when they were employees of BSNL/MTNL.

7. In para 4 of DoT, they refer to our representation dated 25/7/2022 suggesting for notional conversion of IDA pension to CDA pension from 1/1/2016. It was our alternative proposal because DoT was taking a stand that CPC fitment factor is applicable to only CDA pensioners. Our first proposal is only 7th CPC fitment factor of 32% basic pension as on 1/1/2017 on IDA. Quoting only one of our representations has its own design.

8. Before formation of BSNL, Cabinet Memo prepared by DoT dated 25/9/2000 para 4.4 (i) states **“All employees will be entitled to Government's scheme of pension/family pension even after their absorption”** On approval by the Cabinet, CCS (Pension) Rules, 1972 was amended on 30/9/2000 accordingly.

9. We have also stated in our earlier representations “how CPSE pensioners like Airport Authority of India who were in IDA pay-scale got pension revision as per CPC recommendations converting to CDA which was upheld by Delhi High Court. Even

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though the employees of Delhi Electric Supply Undertaking (DESU), a CPSE, are drawing more pay than C.G employees, 7th CPC fitment factor was made applicable to them by Department of Power, Govt. of National Capital Territory of Delhi vide No.F.11(62)/2015/Power/743-751 dated 19/2/2020. So, the statement of DoT is not reflecting the correct position.

10. The Division bench of Hon Kerala High Court delivered a judgement on 3/3/2016 in W.A.No.1418 of 2015 & Cont. case © No 1536 of 2010. Para 29 of that judgement says **“IDA pay scale, which was last drawn salary of the petitioner is the basis of computation of retirement benefits which is extended to him akin to C.G. employees. Whether the petitioner is treated as IDA retiree or CDA retiree is not the real issue and the real issue is as to in which pay scale, the petitioner has drawn his last salary which is to form the basis of computation of retiral benefits which is admissible to persons similar to those C.G. employees”**.

11. Though DoP&PW in 2019 stated that “the orders issued by this Department for revision of pension were not applicable to BSNL/MTNL” (para 2 of its note) its comments in 2022 on the proposal of DoT is different. It stated *“Although, the fitment formula for revision of pay and pension based on 2nd PRC was different from the formula for revision of pay and pension based on 6th CPC recommendations for Government employees, it was not inferior to the formula for Central Government employees and pensioners” (para 12).*

12. In para 15 DoP&PW stated that *‘DoT being the administrative Ministry for BSNL is in the best position to make a realistic evaluation of all relevant aspects and to decide the fitment benefit to be given to the pensioners for revision of their pension’*.

13. DoP&PW did not have any objection to the zero percent fitment since that was only sent. That nodal ministry is willing for relaxation of Rule 37(15) for pension on notional pay.

14. DoP&PW also gave a wrong statement in para 19 that *‘some BSNL/MTNL Pensioners’ Associations have filed a few petitions in CAT seeking revision of pension based on 3rd PRC recommendations’*. On the other hand, the petitions were for 7th CPC fitment factor.

15. DoT is bent upon 3Rd PRC because there is scope for less fitment like 5%, 10% whereas in 7th CPC no scope for that. Unfortunately some associations are demanding it

P Gangadhara Rao, GS
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Encl: DoP&PW OM dated 5/3/1987 &
Apex Court judgement dated 15/12/1995