



ALL INDIA BHARAT SANCHAR NIGAM LIMITED
RETIRED EXECUTIVES' ASSOCIATION
Central Headquarters

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New Delhi 110 075

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No. AIBSNLREA/CHQ/2010/16

Dated: .March 21, 2011

To

Shri R Chandrasekhar,
Secretary,
Department of Telecommunication,
New Delhi 110 001.

Subject: **Payment of full pension to the absorbed BSNL employees retired /retiring after completing 10 years of service after 01-01-2006 – extension of applicability of Para 5.3 of DoP&PW OM dated 02-09-2008.**

Ref.: *DoT letter No.40-31/2008-Pen(T) dated 16th August 2010.*

Sir,

We would like to draw your kind attention to DoT's Office letter No. 40-31/2008-Pen(T) dated 16.08.2010 regarding applicability of full pension for 20 years of service for the absorbed employees of BSNL. The said Office letter, while extending the applicability of Para 5.2 of DoP&PW OM No. 38/37/08-P&PW(A) dated 02.09.2008 as further amended by its OM F.No. 38/37/08-P&PW (A) dated 10.12.2009, has not extended the applicability of Para 5.3 of the DoP&PW OM for full pension for those who are completing 10 years of service if they are entitled for pension after completing 10 years of service in accordance with Rule 49/2 of CCS (Pension) Rules 1972.

2. Based on this Order of DoT, the CCAs are giving full pension only to those who retire after 20 years of service and giving pro rata pension to those who retire with more than 10 but less than 20 years of service. This is incorrect application of the provisions of DOP&PW OM on the subject.

3. In this connection we would like to submit the following:-

(a) Para 5.3 of DoP&PW OM.No. 38/37/08-P& PW(A) dated 02-09-08 states **that “in cases where a government servant becomes entitled to pension on completion of 10 years of qualifying service in accordance with Rule 49/2 of the CCS (Pension) Rules 1972 pension in those cases shall also be paid at 50 % of the emoluments or average emoluments which ever is more beneficial to the Government servant”**. Further to this, the DoP&PW OM. F.No. 38/37/08–P&PW (A) dated 10-12-2009 states that **“it has been decided that linkage of full pension with 33 years of qualifying service shall be dispensed with, with effect from 01-01-2006”**. Therefore, the revised provisions for calculation of pension vide Para 5.2 and 5.3 of DoP&PW OM dated 02-09-2008 shall come into force w.e.f. 01-01-2006 and be applicable to the Government servants retired/retiring after that date.

(b) Now the Rule 37 A is a part and parcel of CCS (Pension) Rules 1972 and the absorbed BSNL employees are eligible to seek voluntary retirement after completing 10 years of service vide sub Rule 11 A of Rule 37 A of CCS Pension Rules and also entitled for pension. Therefore these employees are entitled for pension in accordance with the provision of Rule 49/2 of CCS (Pension) Rules.

(c) Para 5.3 of DoP&PW OM dated 02-09-2008, which is a separate Para in addition to Para 5.2, states about 50 % pension *for 10 years of service*. The very wordings of this Para 5.3 stating that **“those cases shall also be paid 50 % of emoluments”** clearly convey that payment of pension being 50 % of pay to those *completing 10 years of service* is in addition to Para 5.2 which states about *full pension for 20 years of service*. The only condition is that in order to be covered under Para 5.3, an employee should be entitled to pension on completion of 10 years of service. Now that absorbed BSNL employees seeking voluntary retirement after 10 years of combined service in DoT and BSNL are entitled for pension vide Sub Rule 11 A of Rule 37 A, they are covered under Para 5.3 and hence entitled to get 50 % of last pay drawn as their pension.

(d) In this connection, the Orders of Government of India, Ministry of Railways, Railway Board vide No. F(E)III/2008/PNH1/13 dated 12-08-2010 (copy enclosed) may kindly be perused. In the said order it is stated that since the DoP&PW OM. dated 10.12.2009 has dispensed with the linkage of full pension with 33 years of qualifying service w.e.f. 01-01-2006, **“.....As such all employees becoming entitled to pension on completion of 10 years of qualifying service in accordance with Rule 69/2 of the Railway Services (Pension) Rules 1993 on or after 01-01-2006 are eligible for pension equal to 50 % of emoluments or average emoluments whichever is more beneficial to them. With the issue of these instructions the concept of pro rata pension has ceased to exist w.e.f. 01.01.2006. This provision is equally applicable to those employees who have been permanently absorbed in PSU/Autonomous bodies and have since become entitled to monthly pension in terms of the extant instructions.”**

4. In view of the above, it is requested that a similar approach, as stated above, followed by the Ministry of Railways may please be adopted by the Department of Telecommunication. Let the DoT issue Orders regarding the applicability of Para 5.3 of DoP&PW OM dated 02.09.2008 as further amended by it vide its OM dated 10.12.2009 so that the absorbed BSNL employees retiring after 10 years of qualifying service find no difficulty to get pension being 50 % of their last emoluments or average emoluments whichever is more beneficial to them.

With kind regards,

Yours sincerely,



(S Basu)
General Secretary

Encl: As stated

Copy to:

(1) Shri Kapil Sibal,
Minister of Communications & IT.
Govt of India, New Delhi.

(2) Shri S C Mishra,
Member (Services),
Telecom Commission.
New Delhi.

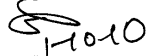
अनुसंधान अभिकल्प और मानक संगठन
{स्थापना-5 अनुभाग}

सं. स्थान-5/ए/ आर/पेंशन - II

दिनांक : 22.09.2010

विषय : **Admissibility of full pension to Railway Servants retiring on or after 01-01-2006 - regarding.**

उपरोक्त विषय पर प्राप्त रेलवे बोर्ड के दिनांक 12.08.2010 के पत्र संख्या (E)III/2008/FN1/15 (RBE No. 118/2010) की प्रति सूचनार्थ प्रेषित है।


(जनादन सिंह)
सहा.कार्मिकअधि./पॉलिसी

संलग्नक: उपरोक्त।

वितरण

तथिष्ठ कार्याकारी निदेशक

विद्युत, यू-इंजीनियरी, संकेत एवं दूरसंचार।

मुख्य कार्याकारी अधिकारी

कार्यकारी निदेशक

माकर सफाई/ईएमयू, क्यूए-मैकेनिकल, क्यूए-सिविल, क्यूए-एसएन्डटी, टेली, सिविल, वित्त, रेलपथ-1, रेलपथ-11, चालन शाक्ति, कर्षण संस्थापन, अनुसंधान, परीक्षण, रेलपथ मशीन, इंजन विकसन, मुल, संरचना, सवासी डिब्बा, वीजेजी, प्रशासन-11, धातु एवं रसायन, सीएमएस, स्टोर्स, कमीतकमीकी, यातायात, संकेत, कर्षण संस्थापन, मालडिब्बा, वर्क्स।

निदेशक/संय.निदे.

महानिदेशक के सचिव, निदेशक/सिविल, निदे./सतर्कता, निदेशक /कम्प्यूटर, निदेशक/ईएमएस, संयोजननिदे/स्था।

उप निदेशक/स्था/ उप निदेशक/पुस्तकालय एवं सूचना, पी.एस./महानिदेशक, पी.एस./आर महानिदेशक

सहा. कार्याकारी अधिकारी/एनजी-111, एनजी-IV, विल्स, प्रशासन,

स्थापना-1, 2, 3, 4, 6, 7, स्थापना- विविध, रिजर्वेशन, गोपनीय, भर्ती, पास, कल्याण, लीगल, टि.सी, केन्द्रीय पुस्तकालय, आडिट ऑफिसर,।

अवे0सचिव/अ.अ.मा.सं. अधि.एसो, आरपीओए, सीटीएसए, सीएफएसए, एससी/एसटी एसोसिएशन, थोमीनी एसोसिएशन,

अ.अ.मा.सं. के लखनऊ से बाहर स्थित सभी इस्पेक्शन यूनिट मानक डाक सूची के अनुसार।

श्री जे. पी. अग्रवाल

28
27/8

Recd. th R & D Dt. 24/8
Sent to G. Secy Dt. 24/8
Back to Secy Dt. 25/8
Sent to Con. Officer Dt. 13/9

PC-VI --223 /2010
RBE NO. 118 /2010

1/3
APO/Policy

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

24/8
C. P. D. 1000

No. F(E)III/2008/PN1/13

NEW DELHI, Dt. 12.08.2010.

The GMs & FA&CAOs,
All Zonal Railways & Production Units,
(As per mailing list).

CPO
S.R.
D.A. (1)
31/8

Subject: Admissibility of full pension to Railway servants retiring
on or after 01.01.2006 –regarding.

Clarifications are being sought from this office by the Zonal Railway Administrations in connection with the revised instructions issued by the Department of Pension and Pensioners' Welfare regarding grant of full pension to Government servants retiring on or after 01.01.2006, and its applicability to those employees who are absorbed in Public Sector Undertakings/Autonomous bodies.

2. It is informed that the Department of Pension and Pensioners' Welfare, vide their O.M. dated 10.12.2009, circulated on the Zonal Railways etc. vide this office letter of even number dated 15.12.2009, has dispensed with the linkage of full pension with 33 years of qualifying service with effect from 01.01.2006, instead of the earlier cut off date of 02.09.2008. As such, all employees becoming entitled to pension on completion of 10 years of qualifying service in accordance with Rule 69(2) of the Railway Services (Pension) Rules, 1993, on or after 01.01.2006, are eligible for pension equal to 50% of the emoluments or average emoluments, whichever is more beneficial to them. With the issue of these instructions, the concept of pro-rata pension has ceased to exist with effect from 1.1.2006. This provision is equally applicable to those employees who have been permanently absorbed in PSUs/Autonomous Bodies and have since become entitled to monthly pension in terms of the extant instructions.
3. All the Zonal Railways etc. are, therefore, advised to settle the pending cases accordingly.
4. Please acknowledge receipt.

(Sunil Bhardwaj)
Deputy Director Finance (Estt.) III
Railway Board.