



## ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

Central Headquarters

111, New Ashiana Apartments, Plot-10, Sector-6, Dwarka  
New Delhi-110 075

E-mail : [gensecaibsnlrea@yahoo.com](mailto:gensecaibsnlrea@yahoo.com)

*President : P. D. Shukla*

Ph.: 0522-2414477  
(M) 09450457648

*General Secretary : S. Basu*

Ph.: 011-25073969  
(M) 09868092995

*Financial Secretary : Hari Ram*

Ph.: 011-25075541  
(M) 09868538189

No. AIBSNLREA/CHQ/2013/26

Dated: May 14, 2013

To

Shri M F Farooqui,  
Secretary,  
Department of Telecommunication,  
New Delhi 110001

**Sub: Request for grant of interview to discuss a few important problems of the absorbed BSNL Pensioners in general and the retired Executives in particular.**

Sir,

Pension of the absorbed BSNL pensioners are being paid by the Government of India in pursuant to the provision in Rule-37 A of CCS (Pension) Rules 1972. Various Rules, as provided in the said CCS (Pension) Rules 1972 as applicable to the Government pensioners, are also equally applicable to the absorbed BSNL pensioners.

2. Unfortunately, we are having some long pending problems related to payment of pension and other pensionary benefits which we have been taking up from time to time with different authorities in DoT. But these are yet to be resolved increasing the agony of the absorbed BSNL pensioners in general and the retired Executives in particular.

3. We, therefore, need for your kind intervention in resolving a few important issues as detailed in the enclosed note. **We shall be extremely grateful if you kindly grant us an interview at your earliest to discuss the issues listed in the enclosed note and resolve the same.**

With kind regards,

Yours sincerely,

(S Basu)  
General Secretary

Encl: As stated.

## **AGENDA SUBMITTED BY AIBSNLREA FOR DISCUSSION WITH SECRETARY (T), DOT**

### **ITEM No.01: Removal of anomaly in fixation of pension of the DOT Employees absorbed in BSNL retired between 01.10.2000 and 31.07.2001.**

This is an issue concerning the DoT employees who were allowed absorption in BSNL w.e.f. 1.10.2000 but retired before completion of 10 months of service in BSNL in IDA pay scale. These employees, who retired after a few months of their absorption in BSNL w.e.f. 1.10.2000, had drawn their pay for few months of their last ten (10) months service period in CDA pay scale as DoT employee and for the remaining months in IDA pay scale in BSNL. The pension of these employees was fixed on the average of last ten months pay which were partly in CDA pay scale and partly in IDA pay scale. This created an anomaly in fixation of pension in respect of the employees of the same rank with same pay scale, same basic pay and same date of increment but having different dates for their retirement. The pension of those of these employees, who retired earlier than other similarly placed employees on different dates between 1.10.2000 and 31.07.2001, got fixed at a lesser amount compared to the pension of those who retired on a later date. This is because, the average of last 10 months of pay for the former became less due to inclusion of more number of months in CDA pay scale during DoT period for calculation of average of last 10 months pay for fixation of pension..

2.1 In order to remove the above anomaly, this Association had earlier suggested to fix the pension of these employees based on last month's pay which would invariably be in IDA scale for all. But the proposal was not found acceptable by Deptt of Expenditure as was informed by Deptt of Pension & Pensioners' Welfare. The issue is now being discussed in the meetings of Standing Committee of Voluntary Agencies (SCOVA) organized by DOP&PW. In the 21<sup>st</sup> Meeting of the SCOVA held on 27.9.2012, the issue was discussed and at SL No. 26 of the Minutes of the meeting circulated by Department of Pension & Pensioners' Welfare vide its No. 42/45/2012-P&PW(G) dated 10.10.2012, it is recorded that "... Department of Telecommunication may re-examine the issue."

2.2 Under the above background, we had suggested to DoT (vide our letter No. AIBSNLREA/CHQ/2012/29 dated 26.11.2012) to remove the above anomaly by adopting a similar approach as circulated under DoP&PW OM F No. 45/86/97-P&PW(A)-Part-I dated 18.09.1999 for removal of an identical anomaly during implementation of the V CPC recommendation. We suggested that in the present case, the CDA pay for the months prior to October 2000 forming part of the 10 months average pay may be fixed notionally in the IDA pay scale by giving point to point fixation as was applied while fixing the CDA pay to IDA pay in October 2000. The notional IDA pay so fixed for the months prior to October 2000 forming part of the 10 months average pay and the IDA pay from October 2000 till the date of retirement of the affected absorbed BSNL employees may be taken for calculating average pay for the purpose of fixation of pension.

2.3 The Action Taken Report of the 21<sup>st</sup> Meeting of SCOVA, circulated vide DoP&PW F No. 42/1/2013-P&PW(G) dated 6.2.2013, stated at Sl No. 26 (Para 5) that "..... However, since the grievance has not been settled in most of the cases, several representations were received from the pensioners/Pensioners Associations of BSNL etc. The case is under Examination in Department of Telecommunication.

## **DoP&PW**

DoP&PW will examine the matter as and when any proposal is referred by Department of Telecommunication to us.”

2.4 Moreover, on the same issue, it was recorded at Para 5. vi) Sl 26 of ATR of Para 5 of the Minutes of the 22<sup>nd</sup> Meeting of SCOVA held on 19.02.2013 and circulated under DOP&PW F.No. 42/1/2013-P&PW(G) dated 4.3.2013 that “... The matter is under examination with DOT. It was decided that DOT will take final decision by 31<sup>st</sup> March 2013.”

3. Unfortunately, till this date no decision on the matter is reported to have been taken and the problem continues. In view of this, we urge that the above stated anomaly in pension of the absorbed BSNL Employees, who retired between 1.10.2000 and 31.07.2001 with their pay partly in CDA and partly in IDA, be removed by adopting the procedure as suggested at Para 2.2 above.

**ITEM No.02: Disallowing the benefit of fixation of pay/ pension at the time of fixation of their pension to the absorbed BSNL Employees who had opted to retain CDA pay scale till their promotion or retirement whichever is earlier as per the offer made in the General Terms and Conditions of Service for absorption by the Department of Telecommunication– Cases of the absorbed Group C & D Employees of BSNL.**

Department of Telecommunications had issued General Terms and Conditions of Service for the Group ‘C’ & ‘D’ Employees, Group ‘B’ and Group A Officers separately while calling of option for absorption in BSNL after its formation. In all these three letters calling of option for absorption in BSNL from these three different categories of DoT Employees, there had been one common benefit that was offered i.e. “an option to retain Government Pay Scale i.e. CDA pay scale till their promotion or retirement whichever is earlier”. This benefit on absorption was allowed in pursuant to the provision in Para 4 of DOP&PW OM No.4/18/87-P&PW(D) dated 5.7.1989 which finds specific mention in the Presidential Orders for absorption letters issued to all the employees taking absorption in BSNL.

2.1 Unfortunately, various Controller of Communications and Accounts under Department of Telecommunication started disallowing the benefit to the absorbed BSNL Employees at the time of fixation of their pension on their retirement. Subsequently, Department of Telecommunication issued Orders vide its No. 2-49(3)/2009-PAT dated 4.11.2010 allowing the benefit only to the retired absorbed Group B level Officers. But it has not so far allowed the benefit to the retired Group C and D Employees who took absorption in BSNL, though they were also similarly offered the same benefit as mentioned at Para 1 above. Many of these employees, who were TTAs, opted to retain CDA pay scale till their promotion to JTO which is a Group B (Executive) post. Even they have not been extended the benefit.

2.2 This is not only a case of denial of extension of a benefit which was offered in the General Terms and conditions of Service for absorption in BSNL and also accepted by DoT by making its special mention in the Presidential Orders for absorption letters issued to these employees, but is also a case of clear cut discrimination to this particular section of the employees.

3. We would, therefore, urge to issue suitable Orders allowing the benefit to the absorbed Group C and D Employees of BSNL, specially the TTAs and others promoted to the Executive cadre of JTOs, in the same line as has been allowed in case of Group B Officers (Executives) vide DoT No. 2-49(3)/2009-PAT dated 4.11.2010, who were also offered same benefit at time of their absorption.

**ITEM No.03: Wrong interpretation of rules regarding calculation of special Allowance and its commutation offered to the Group A Officers of DOT absorbed in BSNL – Request for issue of model calculation sheet clarifying the position.**

The Group A of Officers on their absorption in BSNL were offered benefit of a Special Allowance and its consequent commutation, vide Para 7 of its Office Order No. A-11013/31/2008-Absorption Cell (ITS/TTS/TFS) dated. 22.9.2011 as per the procedure laid down therein. Subsequently another Order was issued vide DoT No. A-11013/48/2010- Absorption Cell dated 30.9.2011 superseding Para 7 of its earlier Order dated 22.9.2011 and prescribing revised procedure for calculating the special allowance and also highlighting the factor of “actual” difference in the total emoluments in IDA Scale and CDA scale as on 01.10.2000.

2. It is understood that as per the above quoted DoT Orders, the procedure involves the following steps to be taken to calculate the quantum of Special Allowance payable to the absorbed Group A Officers :-

- (a) Calculate the actual increase of emoluments (Pay + DA) of an officer on his absorption in BSNL in the IDA pay scale as on 01.10.2000 i.e. IDA Emoluments minus CDA emoluments as on 01.10.2000.
- (b) Calculate 36% of emoluments at mid stage as on 01.10.2000 of the corresponding CDA scale.
- (c) Calculate the difference between (a) and (b) above to get the Special Allowance payable per month .

However, it is seen that some of the field units are misinterpreting the above procedure and taking into consideration the difference between IDA emoluments as on 01.10.2000 and mid CDA emoluments of the CDA scale, which is resulting in substantial financial loss to the officers, when it comes especially to the issue of commutation.

3. In Order to remove the doubts and protect the absorbed Group A Officers of BSNL from suffering substantial financial loss due to wrong interpretation of the spirit of the above quoted DoT Orders by different field units of BSNL, it is urged that **a suitable circular be issued clarifying the position in regard to calculation of Special Allowance and its commutation with an illustrative model calculation sheet.**

**ITEM No.04: Revision of Pension of pre-2007 pensioners / family pensioners of BSNL –  
Cases of wrong fixation of family pension due to non-application of the  
provision that revised family pension, in no case, shall be lower than 30%  
of the minimum pay in the pay scale corresponding to the pre-revised scale  
in which the pensioner/deceased employee last worked**

The family pension of the DoT Officers absorbed in BSNL and retired prior to 1.1.2007 mainly in the scale of E-7 and above have been wrongly revised and fixed at much lower stages due to non-application of the relevant provision in the related DoP&PW OMs followed by the clarifications issued by the same Ministry vide its No. DOP&PW O.M. F.No 38/37/08 P&PW(A).Pt.I dated 3.10.2008 and DOP&PW F.No 1/3/2011-P&PW(E) dated 25.05.2012. The DoP&PW, in continuation of its earlier Orders as quoted above on the same subject, has issued another Order vide its No.38/37/08-P&PW(A) dated 28.01.2013 and circulating a detailed table for revision of pension/family pension of the pre-2006 pensioners for proper implementation of the principle laid down in its earlier Orders.

2. In case of the absorbed pre-2007 BSNL pensioners, whose pension/family pension were ordered to be revised as per Govt Pension Rules vide DoT No. 40-17/2008-Pen(T)-Vol.III dated 15.03.2011, the principle laid down in the above quoted Orders issued by DoP&PW for revision of pension/family pension are required to be implemented in its letter and spirit since various provisions of CCS (Pension) Rules 1972 are equally applicable to the absorbed BSNL pensioners.

3. In view of the above, it is urged for issue of an Order in the line of the DoP&PW OM No.38/37/08-P&PW(A) dated 28.01.2013, if need be, by circulating a detailed consolidated table for implementation of the principle laid down therein for revision of pension/family pension of pre-2007 absorbed BSNL pensioners.

**ITEM No. 05 Revision of pension of pre-2007 pensioners / family pensioners of BSNL –  
Non- mention of the provision regarding increase in quantum of pension/  
family pension available to the old pensioners / family pensioners of 80 and  
above years in age in the Revised Pension Payment Orders (PPOs ) issued  
by some Controllers of Communication Accounts.**

Para 4.5 of DoT Order No. 40-17/2008-Pen(T) Vol. III dated 15.03.2011 issuing instructions for revision of pension of pre-2007 pensioners/family pensioners of BSNL clearly spelt out the quantum of pension/family pension to be increased to the old pensioners on reaching the age of 80 years and above. This instruction for revision of pension of the BSNL pensioners on reaching 80 years of age and above at different stages was intended to be included in the Revised Pension Payment Orders (PPOs) to be issued by the DoT Cells/CCAs to the pre-2007 pensioners/family pensioners of BSNL.

2. Unfortunately, some Controllers of Communication Accounts of DoT did not mention this provision in the revised PPOs of the pre-2007 absorbed BSNL pensioners, though they were required to do so, in terms of the specific instruction as provided at Para 4.5 of the DoT Order

No. 40-17/2008-Pen(T) Vol. III dated 15.03.2011. Further, these CCAs have not even included the same provision in the revised PPOs issued by them re-fixing the pension of the post-2007 pensioners also whose pension was required to be revised following revision of their IDA pay scale w.e.f. 1.1.2007. Thus, the revised PPOs issued by these CCAs remained incomplete. Whereas, many other CCAs including DoT Headquarters (PFP Section) correctly followed the instructions and included the above stated provision in the revised Pension Payment Orders issued by them.

3. In view of the above, it is urged that suitable instruction be issued by the Pension Branch of DoT advising all such CCAs/DoT Cells, who have not made any mention of the provision regarding eligibility of higher pension on reaching the age of 80 years and above in terms of the provision as available at Para 4.5 of DoT Order No. 40-17/2008-Pen(T)-Vol III dated 15.03.2011 in the revised PPOs of the pre and post 2007 BSNL pensioners, to issue a corrigendum to the already issued revised PPOs to incorporate the said provision as available in DoT's above quoted Orders.

**ITEM No. 06: Revision of provisional pension sanctioned under Rule 69 of the CCS (Pension) Rules, 1972 – Cases of the absorbed BSNL pensioners**

Department of Pension & Pensioners' Welfare, vide its OM No. 38/6/2010-P&PW(A)(Pt) dated 18.03.2013 has ordered for revision of provisional pension sanctioned to the pensioners under Rule 69 of the CCS (Pension) Rules, 1972. In view of this, the absorbed BSNL pensioners who were sanctioned only provisional pension are also entitled to get revision of their provisional pension, since the provisions of CCS (Pension) Rules,1972 are equally applicable to all the absorbed BSNL pensioners whose pension are being paid by the Government of India.

2 Department of Telecommunication had earlier issued Orders for revision of pension of pre-2007 absorbed BSNL pensioners vide its F. No. 40-17/2008-Pen(T)-Vol.III dated 15.03.2013. Now, in continuation of this Order, there is an urgent need to issue an Order for revision of provisional pension of the absorbed BSNL pensioners who were sanctioned provisional pension under Rule 69 of CCS (Pension) Rules 1972.

3 In view of the above, it is urged that necessary Orders for revision of provisional pension of those BSNL pensioners who were sanctioned provisional pension under Rule 69 of CCS (Pension) Rules 1972 be issued at the earliest.

=====

