



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

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

Website address: <http://aibsnlreachq.brinkster.net>

President: P D Shukla

General Secretary: S Basu

Financial Secretary: Hari Ram Bharti

No. AIBSNLREA/CHQ/2009/31

Dated : August 19, 2009

To

Smt Pratibha Patil,
President of India,
Rashtrapati Bhawan,
Raisina Hill,
New Delhi 110 001.

Sub: Petition to bestow justice to the ex-DOT/DTS/DTO employees absorbed in Bharat Sanchar Nigam Limited and retired between 01.10.2000 and 31.12.2006 in the matter of merger of 50% IDA with basic pension and further revision of their pension/family pension consequent to revision of IDA pay scales of the BSNL Executives with effect from 01.01.2007

Hon'ble Madam,

Being unable to get justice on the above issues from Department of Telecommunication (Ministry of Communications & IT), which is the pension payment authority of its ex-employees absorbed in Bharat Sanchar Nigam Limited as per Rule-37A of CCS (Pension) Rules 1972, we find no other alternative but to seek your kind intervention so that the hapless absorbed retired Employees (pensioners) get their legitimate dues as per the Rules framed and notified by the Government of India.

2.1 We would like to submit to your kind honour that as per provisions in Rule 37-A of CCS (Pension) Rules 1972, which was notified in the Gazette of India by Department of Pension & Pensioners' Welfare on 30.09.2000 i.e. the concerned nodal Department, the Government Employees absorbed in the PSUs are to get their pension/family pension fixed in the IDA pay scales. These Rules also provide that in addition to pension or family pension the employees shall be eligible for dearness relief as per industrial dearness allowance pattern. Thus, the absorbed employees retired from

BSNL are to get the benefit of the relief by way of merger of 50% IDA with basic pension w.e.f. 01.01.2007 i.e. from the day on which the benefit of merger of 50% IDA was ordered for payment by Department of Telecommunication to the serving employees. Department of Telecommunication, as we understand, referred this issue to Department of Public Enterprises and also twice to Department of Pension & Pensioners' Welfare. It is also learned that Department of Pension & Pensioners' Welfare advised to settle the issue in the Ministry level i.e. within the Ministry of Communications & IT. It is also learned that the Legal Adviser of Department of Telecommunication had also advised in favour of extending this benefit to the past pensioners. It is submitted that in case of Central Government Employees, similar benefit was simultaneously extended to the Government Pensioners along with the serving Central Government Employees. It is now more than one year that the Department of Telecommunication has kept the issue pending and thereby depriving the absorbed ex-DOT/DTS/DTO employees retired from BSNL from getting one of their legitimate dues.

2.2 We further submit to your kind self that consequent to revision of IDA pay scales of the BSNL Executives with effect from 01.01.2007, pension/family pension of the absorbed Executives of BSNL, who retired between 01.10.2000 and 31.12.2006, should have been also revised with effect from 01.01.2007. But this has not been done so far by Department of Telecommunication. It is learned that Department of Telecommunication is not inclined to revise the pension/family pension in IDA pattern and insisting for payment of pension and its revision only on CDA pattern basing on an OM issued by Department of Pension & Pensioners' Welfare vide their No. 4/14/2001-P&PW(D) dated 19.09.2003 which is an administrative Order. We further learned that both Department of Pension & Pensioners' Welfare and Ministry of Law & Justice did not concur with the views of Department of Telecommunication. Moreover, the Department of Pension & Pensioners' Welfare under the RTI Act 2005 has clarified that the aforesaid OM is applicable only to the Government employees absorbed in PSU/CAB and were drawing pension on 1.1.1996. Bharat Sanchar Nigam Limited came into existence only on 1.10.2000 and therefore none of its absorbed retired employees was drawing pension on 1.1.1996. Thus, the said OM is not applicable to the absorbed employees in Bharat Sanchar Nigam Limited. On the other hand, payment of pension and other relief to the absorbed employees are governed under the provisions of Rule-37 A of CCS (Pension) Rules 1972 (framed under Article 309 of the Constitution of India and notified in the Gazette of India on 30.09.2000) which stipulates that pension/family pension to the Central Government Employees absorbed in the PSUs consequent to conversion of the Government Departments are to be paid in IDA scale and also the other relief on industrial dearness pattern only. Moreover, the absorbed retired employees of Food Corporation of India (PSU), who were drawing their pension in IDA pay scales, got their pension revised on IDA pattern only. Thus the present attitude and action of Department of

Telecommunication is aimed at to deprive the absorbed employees who retired from BSNL of their legitimate revision of pension in IDA pattern which is already over due.

3. In view of the above, we earnestly appeal to your kind self to advise Department of Telecommunication to immediately order merger of 50% IDA with the basic pension of the absorbed employees retired from Bharat Sanchar Nigam Limited between 1.10.2000 and 31.12.2006 and also revise the pension/family pension of the absorbed retired Executives with effect from 01.01.2007 on IDA scale. Let Department of Telecommunication not continue to show their apathy, insensitiveness towards the retired employees who had sacrificed best part of their lives for the development and operation of telecommunication services in India and also dis-honor the Rules framed by the Government of India and other laid down principles on the instant issues.

With kind regards,

Yours sincerely,



(S Basu)
General Secretary