



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

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

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President: P D Shukla

General Secretary: S Basu

Financial Secretary: Hari Ram Bharti

No. AIBSNLREA/CHQ/2009/16

Dated 24.04.2009

To

Shri Siddhartha Behura,
Secretary,
Department of Telecommunications,
New Delhi 110 001.

Sub: Inordinate delay in revising the pension of the pre-2007 BSNL pensioners and protest against the DoT's move to pay pension on CDA scale.

We would like to express our deep anguish and strong resentment for the inordinate delay on the part of the Department of Telecommunications to order revision of pension of the pre-2007 BSNL pensioners even though the IDA pay scales of the BSNL Executives have been ordered to be revised with effect from 1.1.2007. In case of the Central Government Employees, the order for revision of pension of the pre-2006 pensioners was issued simultaneously along with the orders for revision of pay scales for the Employees. We have a strong feeling that BSNL pensioners are receiving step motherly treatment from the Department of Telecommunications in the matters of extending benefits even otherwise eligible as per the Rules. The case of merger of 50% of IDA to the pre-2007 pensioners can be cited as yet another example of this unhelpful attitude of the Department. DoT is yet to extend this benefit even after receiving the reply from DoP&PW and DPE on its references.

2. We are equally perturbed to find that DoT has moved a proposal wrongly relying on DoP&PW's OM No 4/14/2001-P&PW(D) dated 19.09.2003 to revise the pension of the BSNL pensioners in CDA pay scale despite the fact that the Department of Pension & Pensioners' Welfare has categorically advised DoT, while examining this proposal, that this Order is NOT applicable for BSNL pensioners. In this regard, we are also to draw your kind attention to the following facts that:

- (1) Sub Rule 9 of Rule 37 A provides that the pension of an employee shall be calculated on the basis of his last 10 months' average pay.

- (2) Sub Rule 10 of Rule 37 A provides that “in addition to pension or family pension the employees shall be eligible for dearness relief as per industrial dearness allowance pattern.”
- (3) As per the clarification issued by DoT No. 33-14/2000/SR dated 19-02-2001 stating that “for the purpose of reckoning emoluments for calculation of pension and pensionary benefits the emoluments as defined in CCS(Pension) Rules in PSU in the IDA pay scales shall be treated as emoluments.

NB: This point as in (3) above is also reiterated in BSNL’s Office Order No. BSNL/26/SR/2002 dated 07-08-2002 at Para 6 under the heading pension issued by BSNL for introduction of IDA pay scales w.e.f. 01-10-2000 in replacement of existing CDA scales for non executive staff absorbed from DoT/DTS/DTO in BSNL w.e.f. 01-10-2000.

- (4) The DoP&PW vide its Order No 4/61/99-P&PW(D) dated 20.12.2002 had clarified that in case of absorbed employees their ‘pay in IDA pay scale will be taken into account for calculation of average emoluments. In addition to pension or family pension, as the case may be, such absorbed employees shall also be eligible to receive Dearness Relief as Industrial DA pattern as per provision of sub rule 10 of Rule 37A’.
- (5) In case of the employees of Food Corporation of India, the revision of pension for the pensioners was ordered in IDA pay scale only by the Ministry Consumer Affairs, Food and Public Distribution [vide F. No 38020/1/2000-FC.3 dated 31.05.2005]. Para 7 of this Order clearly says that the Department of Pension & Pensioners’ Welfare and Department of legal affairs were duly consulted before taking decision on the issue. Further, as per Para 4 of their Order, the Ministry of Consumer Affairs, Food & Public Distribution was fully aware of the contents of DoP&PW’s OM No.4/14/2001-P&PW(D) dated 19.9.2003 but did not consider it applicable for the absorbed FCI employees.
- (6) In the case No Appeal (civil) 2388 of 2008 [Videsh Sanchar Nigam Ltd vrs Ajit Kr Kar & Ors] before the Supreme Court whose judgment was delivered on 01.04.2008, it is recorded in Para 12 of the Judgment that “Department of Telecommunications in reply to the representation dated 23.08.1998 of the Secretary of VSNL’s Retired Employees Association, in their notification states:-
(i) Pension in IDA pay scale with IDA relief: Having changed over to IDA pattern of pay scales as per the Government instructions, it is obvious that employees who opted for the Government pension should be paid in the applicable IDA pattern of pay scales with IDA relief. “

3. In view of the above when *the existing Rules/Law/Clarifications issued by the nodal agencies/Orders issued by Ministry of Consumer Affairs in respect of FCI pensioners and the stand taken by DoT itself in the case of VSNL Employees as recorded in the Supreme Court judgment quoted above clearly confirm that the*

pension and DA relief to the absorbed employees has to be on Industrial DA pattern of Pay scales with Industrial Dearness Relief, why has the DOT proposed to pay pension in CDA pattern of pay scales with CDA relief ? We feel that this is simply to confuse the entire matter and an attempt to delay revision of pension of BSNL pensioners.

4. We shall therefore earnestly request you to kindly appreciate our mental agony due to the inordinate delay in revising the pension of absorbed pre-2007 BSNL pensioners, who ought to get the same in IDA pattern of pay scales with IDA relief, and intervene in the matter immediately. **Let the orders for revision of pension for BSNL pensioners be ordered immediately in IDA pattern of pay scales with IDA relief by dropping the move to revise pension on CDA pattern of pay scales.**

With kind regards,

Yours sincerely,



(S Basu)
General Secretary

Copy:

1. Smt Rajni Razdan,
Secretary,
Department of Pension & Pensioners' Welfare.
2. Secretary,
Directorate of Public Grievances, Cabinet Secretariat,
Government of India.
3. Shri P K Malhotra,
Addl Secretary,
Deptt of Legal Affairs.