



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

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No. AIBSNLREA/CHQ/2018/33

Dated: 16.05.2018

To

Shri K V Eapen,
Secretary (Pension),
Department of Pension & Pensioners' Welfare,
New Delhi 110003.

Subject: Gross violation of Rule 70 of CCS (Pension) Rules, 1972 stipulating that pension once authorized is not to be revised to the disadvantage of the pensioners by the Principal Controller of Communication Accounts, Tamilnadu Circle, Department of Telecommunications in respect of the absorbed BSNL pensioners drawing Pension from the Government of India.

Ref: **DOP&PW No. 4/5/2018-P&PW (D) dated 18.01.2018**

Sir,

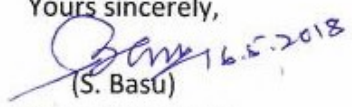
We seek to draw your kind attention to our earlier representation vide No. AIBSNLREA/CHQ/2018/04 dated 10.01.2018 on the above issue wherein we requested you to protect the rights of some absorbed BSNL pensioners, as provided under Rule 70 of CCS (Pension) Rules, 1972, whose pension authorized some ten years back have now been revised to their disadvantage by the Pr. CCA, Tamilnadu Circle of Department of Telecommunications.

2. The Principal Controller of Communication Accounts, Tamilnadu Circle of Department of Telecommunications, while revising the pension of some of the retired BSNL Executives (Pensioners) with the fitment benefit by merger of 78.2% DA/DR, has now revised their pension, which were fixed some 10 years back, to their disadvantage. Their pension has now been reduced which is not permissible under Rule 70 of (CCS) Pension Rules, 1972. These pensioners, while in service, were allowed pay-fixation benefit, when promoted on local officiating basis to the grade of Divisional Engineer (STS equivalent), as per the Pay-fixation Rules available at that time. However, this pay fixation benefit was discontinued as per BSNL Order No. 400-175/2007-Pers.I dated 19/2/2010 and then partially restored vide No.400-11/2011-Pers.I(Pt) dated 28/2/2017. Since these Pensioners retired before issue of these Orders, their Pension on retirement was correctly fixed based on their last pay drawn. Now after a gap of over 10 years, their pension has been revised and reduced to their disadvantage, while issuing revised PPO with fitment benefit by merger of 78.2% IDA.

3. In this context, we also submitted that **as per Rule 70 of CCS (Pension) Rules, 1972, pension once authorized after final assessment shall not be revised to the disadvantage of the Pensioners on the ground other than misconduct under Rule 8 and Rule 9 or this becomes necessary on account of detection of clerical error subsequently.** Moreover, no revision of pension to the disadvantage of the pensioners shall be ordered by the Head of Office without the concurrence of the Department of Pension and Pensioners' Welfare if the clerical error is detected after a period of two years from the date of authorization of pension. The question whether it is a case of clerical error or not would be decided by the administrative Ministry.
4. We further submitted that **the cases of the pensioners referred to by us are not connected with any "misconduct". Moreover, these cases are also not related to any "clerical error" in authorization of pension.** Their pension, at the time of their retirement, were duly authorized on their last pay drawn which they earned as per the rules prevalent at that time.
5. We may mention here that DOP&PW vide its No. 4/5/2018-P&PW(D) dated 18.01.2018 had forwarded our said representation to Director (Estt), Department of Telecommunications for taking action as per extant rules/instructions. But the issue raised by us has not been resolved.
6. In view of the above, we again request you to kindly intervene in the matter and advise Department of Telecommunications to strictly follow the Pension Rules and restore the original pension authorized to the said pensioners at the time of their retirement and allow them further revision as and when due.

With kind regards,

Yours sincerely,


(S. Basu)

General Secretary

Copy to:

- (1) Smt. Aruna Sundararajan,
Secretary (Telecom),
Department of Telecommunication.
- (2) Smt Anuradha Mitra,
Member (Finance),
Telecom Commission.
- (3) Shri Deepak Sinha,
Member (Services),
Telecom Commission.
- (4) Dr.R. Niranjana
Principal Controller of Communication Accounts,
Tamilnadu Circle, Chennai.