

DoT ORDERS ON REVISION OF PENSION OF BSNL PENSIONERS – OUR CONSISTENT STAND VINDICATED

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The Department of Telecommunication has finally released the long awaited orders on revision of pension of the absorbed BSNL employees who retired between 1.10.2000 and 31.12.2006. This Order is now to be endorsed to all the BSNL Offices by the BSNL Corporate Office. Otherwise, the Administrative Offices of BSNL handling preparation of pension papers may not initiate the process of consolidation of pension/family pension as ordered vide Para 6 of the Pension Revision Order dated 15.03.2011. Similarly, the DDG (TPF & A/C) of Department of Telecommunication has to issue detailed circular to the CCA Offices for revision of pension/family pension. We are confident that these will not be delayed and revision of pension/family pension will be as per the schedule laid down by the DoT in its Order itself. The DoT's Order, anyhow, has set the process of revision of pension/family pension in motion.

2.1 At one point of time, many had raised doubts that since Rule-37A of CCS Pension Rules 1972 do not have any mention or contain provision that there would be revision of pension of the past pensioners as and when it necessitated, the absorbed BSNL pensioners will never get revision of pension. But we were confident that revision of pension is automatic along with revision of pay scale of the serving employees. We maintained that there is no need for special provision/mention in the Rules for revision of pension. Even for the Central Government pensioners, no separate provision for revision of pension is available in CCS Pension Rules 1972. A section of the people was even blaming the then leadership that they failed to ensure revision of pension by not insisting for a provision in that direction in Rule-37-A. Now they are proved wrong and release of pension revision Order has vindicated our stand on this point.

2.2 We said even in February 2009 that the revision of pension of BSNL pensioners should be effective from 01-01-2007 since the pay scales of the serving employees of BSNL were revised with effect from that date and that was the legal position. Many people disagreed with us and started giving a feeling as if the revision of pension could be available w.e.f. 01.01.2006 and also supported a move initiated by DoT for revision of pension in presumptive CDA pay scale. Now the Para 2 of DoT order dated 15.03.2011 on revision of pension reads **“pursuant to wage revision in BSNL with effect from 1.1.2007.”** This confirms our stand that revision of pension of the past pensioners is only to be with effect from the same date when the serving employees get their pay scales revised.

2.3 We all along maintained that revision of our pension must be only in IDA pay scale, since our pension is in IDA scale and even before our retirement we were receiving our pay in IDA scale. Moreover, the BSNL pensioners do receive IDA relief only. But some

people had an idea that BSNL pensioners can get revision of pension only on CDA scale and they relied on a DOP&PW Order dated 19.09.2003 to make home their point. Some prominent Unions/Associations even joined hands with ITSA and DOT for a proposal to revise pension on presumptive CDA scale. The official minutes of the meetings with these Unions and Executives' Associations, which were issued by the Department of Telecommunication, are the testimony to what extent they were inviting damage to the BSNL pensioners. These people made us to run from pillar to post to ensure that no damage is done to the BSNL pensioners and revision of pension is ordered only in IDA scale. They forced us to move to Department of Legal Affairs, Department of Pension & Pensioners' Welfare and even Department of Expenditure to defeat their ill-conceived proposal. Finally, we won the battle. Today, it is satisfying to note that all the beneficiaries are calculating how much financial benefit or arrears they would get. Some others are also expecting hefty donations. But let us not forget that had we failed to get the revision of pension in IDA scale, the quantum of revised pension or arrears of pension would not have been even half of the amount that we are now to get. Yes, we admit that it was a testing time for us. Because, very few sided with us during that critical period and we were almost left alone to fight out the case.. Anyhow, DoT's Order on revision of pension has now confirmed that revision of pension is only in IDA scale – thus vindicating our stand.

2.4 Many were casting doubts even from the days of absorption that the pension will be in danger if we opt for absorption. We, from the platform of TESA (I) and CCC, assured our members that Rule 37 A of CCS Pension Rules 1972 will protect our pension and that too it will be the responsibility of the Government to pay pension. We are not concerned how the Government manages the Fund and it is its own internal matter. And now **the DoT has released the Orders on revision of pension and it refers, not in one place but in five places of the Order, to Sub Rule 21 of Rule 37 A. Again the sub Rule 21 of Rule 37 A of CCS Pension Rules 1972 says that in the case of BSNL “the pensionary benefits including family pension shall be paid by Govt.”.** Thus our stand on this issue is also vindicated. However, DOT has mentioned about pension liability of BSNL in case it exceeds 60% of total receipts on certain heads. This is an old issue and several clarifications have since been earlier issued by DOT stating that ultimate responsibility for payment of pension lies with the Government. We shall respond to this at the appropriate time.

2.5 We have repeatedly stated that the same fitment formula and benefit will be available to the BSNL pensioners while revising their pension as had been extended to the serving employee at the time of revision of their pay scales. We knew that at this stage, the DOT would not give the benefit of IDA relief up to 78.2% of basic pension for revision of pension, since similar benefit was not extended to the serving employees during their revision of pay - even though it was due to them. Therefore, for the present, we have to accept IDA relief @ 68.8% of basic pension in the fitment formula. We shall take up this issue only at the appropriate and opportune time, since we do not want to allow creation of any dispute at this stage. Anyhow, our stand regarding the applicability of fitment formula and benefit is vindicated by DoT Orders vide Para 4.1 which have

given the same formula and fitment benefit to the pensioners which was given to the serving employees on pay revision.

2.6 Para 4.5 of the DOT Order dated 15.03.2011 on revision of pension states regarding admissibility of the additional pension on attaining the age of 80 years and above to the BSNL pensioners. The said provision, as available in DoP&PW OM on revision of pension for Central Government employees and also in the Gazette Notification revising the CCS Pension Rules, has been stated to be applicable to the BSNL Pensioners. We had been maintaining, while demanding application of revised enhanced gratuity, pension fixation formula on last pay drawn including the above etc to the absorbed BSNL employees w.e.f. 01.01.2006 i.e the date on which the relevant revised Rules came into effect following acceptance of VI CPC recommendations by the Government, that the BSNL employees are covered under several revised provisions of CCS Pension Rules 1972. Now Para 4.5 of DoT's Order vindicates our stand.

3.0 As per Para 4.7 of the Order, the minimum pension is said to be Rs 3500/-. Whereas, as per the Annexure to the Order, it is Rs 3880/- for the NE-1 scale. But there is nothing to be worried over this mix up. Para 4.2 of the Order says that the revised pension will in no case be less than 50 % of the minimum of the revised pay scale in which an employee retired. And now the revised pay for NE-1 is Rs 7760 – Rs 13320 and 50 % of the minimum of this scale is Rs 3880/- which has been confirmed in the Annexure to the Order. Further a NE-1 employee, even if he had retired prior to 31.12.2006 at the minimum of the pre revised scale of Rs 4000-120-5800, could have got Rs 2000 as his gross pension. This will now get revised to Rs 4389/- which is much more than Rs 3500 or Rs 3880/-. Even those who rendered less than 33 years of service and got pro rata pension should have been protected by the overall minimum of Rs 2000/- of pre revised pension irrespective of the cadre in which they may belong. The mentioning of Rs 3500/- in para 4.7, appears to be due to just blind copying action from the DoP&PW OM on Revision of Pension of Central Govt. employees which is itself based on 50 % of the minimum of the lowest scale in Pay Band 1. Hence the minimum pension should have been Rs 3880/- being the 50 % of minimum of the revised pay scale of NE 1. However since no one will be affected by this mistake, there is nothing to cause anxiety. However, DoT must issue a corrigendum.

4.0 Earlier, we had asked DoT to issue an instruction to the pension disbursing authorities to themselves calculate revised pension and arrears and credit the same in the pensioners' account within a time frame and then send a copy to CCA and get it confirmed as provided in DoP&PW OM dated 01.09.2008 for Central Govt. pensioners. This has not been done. However a time frame has been given for implementation of the Orders dated 15.03.2011 by (i) the head of the offices (before April 30th), (ii) CCAs (by May 31st) and (iii) the pension disbursing authorities to pay revised pension (by July 31st) and also the arrears (by Sept 30th). This makes the total period as 6 months for disbursement of revised pension/arrears. Though we would very much like to get the payment much earlier in view of our past experiences, if the time frame is strictly followed by all concerned authorities we are ready to welcome this time schedule. We

expect the DoT to ensure that the entire process is implemented in the set time frame. **