

# **All India Retired Bharat Sanchar Nigam Limited Executives Welfare Association Central Headquarters, New Delhi**

**Activity Report of CHQ placed by Sh Kishan Singh General Secretary in 3rd All India Conference of AIRBSNLEWA held on 17th July 2019 at Hotel Swarna Palace Vijaywada (AP).**

Respected President Com. Manas Roy, Com. Prahlad Rai our Chief Mentor, Com A K Kaushik, veteran leader from MTNL, Newly Elected GS and President and other CHQ office bearers of AIBSNLEA, our CHQ office bearers, Circle Secretaries, Branch Secretaries and delegates, it is my pleasure to welcome you all in the 3rd AIC of AIRBSNLEWA being held at the historic city of Vijaywada, AP along with the AIC of AIBSNLEA. At the outset I pay my respectful homage to our late President Com Rakesh Srivastava Ji who was the guiding force of this association and its functioning for the welfare of BSNL pensioners. In the present scenario when pensioners are not getting their rights, we miss him very much. Let his departed soul rest in peace.

We are thankful to the CHQ and to the host circle of AIBSNLEA who has undertaken the entire arrangement of this AIC. Last time we met on 16 June 2016 at Mysore in 2nd AIC i.e little over 3 years from now. This period of 3years and one month was very eventful for this Association and its members. In the following paragraphs I am trying to narrate all the activities in brief for consideration and adoption by this august house.

## **1. Organizational activities:-**

During this period we tried our level best for formation of new circles and branches and also to enroll new members. But we could succeed only to a limited point. We are dependent on mainly to the executives retired from AIBSNLEA and SNEA. Many circle secretaries / activists of both the Associations have retired during this period. We approached most of them, requested them to join our Association and form the circle/branches at their respective places but received very poor response. Still we have to continue our endeavor in this direction and expect success in coming days. Only this pensioners association is committed to ensure justice to the BSNL pensioners for their right on medical and pension related issues without diverting its attention to any other social, political or other miscellaneous issues.

**1.1 Organizational Tour:** During this period Com GS along with Late Com President Srivastava Ji visited West Bengal in connection of their G.B. Meeting and also with Com FS visited Lucknow for attending the G.B. of UP (East) Circle. Com Amit Gupta AGS-I visited Hyderabad twice in connection with formation of AP&TG circle. Com K Jairam AGS-II recently visited Vijaywada for formation of AP Circle.

**1.2 Website and Social Media:** We are maintaining our website [www.aibsnlretd.org](http://www.aibsnlretd.org) and updating it regularly. Apart from website, there are number of Whatsapp groups maintained by CHQ and different circles. We find this Whatsapp groups very effective in circulation of new developments quickly and effectively. But we are sorry to point out that in some of these groups more irreverent posting are there than news on pension and medical related issues.

## **1.3 Following Two major New Circle/ Branche have been opened after the 2nd AIC**

- |    |               |             |
|----|---------------|-------------|
| 1. | AP/TS Circle  | 300 members |
| 2. | Nashik Branch | 170 members |

These Branches have been opened with the sincere efforts made by Com. Amit Kumar Gupta AGS – I and Com K Jayram AGS –II . Just before this AIC the circle body of AP has been formed with Com A Koteswara Rao as Circle Secretary and Com Keshava Rao as President. We expect this circle body will be able to enroll all the BSNL pensioners of A P Circle in coming days. During this period we have filed two court cases in Principal Bench CAT ND and due to this many pensioners took membership of this Association for joining the cases as applicants. Pensioners of isolated places, where our branches are not functioning took direct membership of CHQ for joining the CAT cases. Many non executive pensioners also took Associate Membership and joined the cases as applicants.

Recently two new circle bodies are also formed. AP Circle and TN Circle. These circles are now to enroll new members and develop themselves.

Life time membership has also been increased in all circle/ division branches by the sincere efforts made by circle/division branch secretaries. I am sure that all the Secretaries will continue their efforts for increasing membership.

## 2. **Medical Issue:**

At the time of our absorption we were assured that good medical scheme will be made available to the BSNL pensioners at par with employees. During earlier years everything was smooth and pensioners got their claims reimbursed smoothly. But when BSNL started incurring into loss the scenario got changed slowly and steadily. We took up the issue with Director (HR) and requested her to introduce some tracking method by which the pensioners can track their claim and need not run between the tables. Accepting our request some grievance redress system was introduced at corporate office. But with the sharp declination of financial status of BSNL, even the medical and other claims of serving employees were not paid regularly leaving aside the pensioners. Director (HR) has clearly mentioned that there is no money in BSNL for pensioners and they should immediately migrate to CGHS. As at present huge no of claims of pensioners are pending in all the circles since last two years. Some fund was last allotted in January 2019 which could clear some small percentage of the pending claims. The medical claims for the serving employees are cleared upto 31<sup>st</sup> March 2019 but no fund was allotted for pensioners after January 2019.

When on one side the claims are kept pending indefinitely, BSNL on the other side have informed the claims, which are at final stage and waiting for funds, as paid to the Income Tax Department and also paid the due TDS for the claims. As a result those claims which are not paid in reality are shown as paid amount in respective 26AS accounts. Now the pensioners have to pay the taxes as per the slab (20% or 30%) on this wrongly shown amount. On enquiry we are told that this is as per rule of Income Tax. If any bill is ready for payment immediately the employer has to deduct TDS and deposit irrespective of the fact whether main bill is paid or not. We could not find any such rule. This is a vital issue for which further persuasion is required, Lastly we feel that there is no point that pensioners can still depend on BSNLMRS. It is better to migrate to CGHS as early as possible. At present there is an order which states that the one time amount required to be paid to CGHS will be reimbursed by BSNL in full. But this also may get changed with the change in the management of BSNL. In MTNL only a part of the amount paid to CGHS is getting reimbursed. DOT has recently issued the mapping list for CGHS contribution as per 7<sup>th</sup> CPC order for various IDA scales.

### **3. Pension Revision:**

**3.1 The Background and our action:** For Provision of adequate pension revision mechanism for Ex- DOT employees retired from BSNL a reference was made to Shri Rakesh Garg Secretary(T) on 14/08/2015 requesting him to get pension revision of BSNL pensioners be included in 3rd PRC for making a recommendation for pension revision. On 30/6/2015 our CHQ took up with Secretary (DPE) for provision of adequate pension revision mechanism for 3.5 lacs EX Dot employees retired from BSNL and drawing pension on IDA scales under CCS pension rules 1972 through inclusion of pension revision demand of DoT retirees on IDA scale under terms of reference for 3rd PRC.

14/8/2015 Again on the same subject a letter was written to sh. V. Umashankar J.S (T)

16/8/2015 to sh. N.K yadav member (s)

16/12/2015 A joint representation singed by Com. M.K Bagchi MTNL, Com. Prahalad Rai GS AIBSNLEA and Com. Kishan Singh GS AIRBSNLEWA was give in person in the office of Secretary (T) for inclusion pension revision issue in terms & reference of 3rd PRC.

As 7<sup>th</sup> CPC did not mention anything on IDA pension revision efforts were made for taking up case with Empower Committee and Implementation Cell

21/12/2015 Letters to secretary (T) for inclusion in 3rd PRC terms & reference because 7th CPC submitted its report to Govt. of India without any recommendation for IDA pension revision. An empower committee and implementation cell was formed vide Do No. 1-4/2015-E-III(A)

29/12/2015 this issue of pension revision as per 7th CPC was also taken up with Sh. R.K.Chaturvedi Joint secretary implementation cell 7th CPC, DOE, Ministry of Finance by BSNL/MTNL jointly singed by our GS

9/8/2017 A letter addressed to Sh. Manoj Sinha MOC and copy to Secretary & CMD BSNL for Exemption in affordability clause for BSNL at par with other CPSEs like food corporation of India formed under a status to perform a specific agenda/ regulation of 3rd PRC in BSNL.

28/8/2017 To Sh. Manoj Sinha MoC with Copy to Secy (T), Cabinet Secy, M(S), M(F) Dot, CMD & DIR(HR) BSNL, requesting revision of pension of BSNL Pensioners drawing pension under Rule 37A of CCS Pension Rules 1972 in accordance with fitment Formula given by the CPC. With this we have given detailed calculation & comparison between 3d PRC and 7th CPC fitment formulas.

22/3/2018 We met DDG (Estt). DOT and gave him a detailed Calculation with example on financial implication as per fitment formula of 15% as per 3<sup>rd</sup> PRC report of pay fixation

04/9/2018 Smt. Sumitra Mahajan Lok Sabha Speaker requesting for help in pension revision as per 7th CPC fitment formula on the basis all recommendation of CPC are implemented for pension benefits except pension revision after 10 years.

11/9/2018 To Sh. N. Sivasailam Special Secretary(T) for pension revision as per 7th CPC fitment formula.

14/9/2018 To Sh. K.V Eapen Secretary (Pension) regarding Pension Revision of BSNL retirees drawing pension form DoT on IDA Scale as per 7th CPC.

17/9/2018 To Sh. Manoj Sinha MoC regarding delinking of pension revision of BSNL retirees from pay revision of BSNL Employees and revision of Pension as per 7th CPC fitment formula.

Thus CHQ had been trying their best to get pension revision issue solved w.e.f 1/1/2017 (due date). As per 7th CPC fitment formula so that this issue will be solved for future. Recently Com Kishan Singh GS, Com A K Jain FS, Com K M Goyal Treasurer Delhi Circle along with Com M K Bagchi met Sh K Suresh MP and President of Kerala INC and also chief whip of Congress in Lok Sabha. They apprised him about the agony of BSNL/MTNL Pensioners and how their pension issue is being handled by DOT. He assured to raise our issue in Loksabha and also to write to MOC by a group of MP.

Comrade Amit kumar Gupta AGS-I an RTI Expert had taken series of information under RTI act 2005 from DoT, DoP & PW, DOE. Officers. But DOT officers had their mind set that pension revision will follow pay revision of BSNL employees and also 7<sup>th</sup> CPC recommendations on Pension Revision is only for CDA pay scale holders, This is unjustified as BSNL Pensioners had no role to play in profit/loss of BSNL.

Pension Revision is the most vital issue for the BSNL/MTNL pensioners. Their pension was last revised on March 2011, effecting from 1-1-2007. Now the revision is due from 1-1-2017. Initially DOT was indicating that the revision will be done immediately after implementation of 3<sup>rd</sup> PRC for BSNL employees but afterwards they made it clear through RTI and other communications that unless the pay revision took place in BSNL, pension revision for pensioners won't be done. In between there was a move to delink pension revision from pay revision but positive nothing happened till now.

**3.2 Formation of CBMPA:** We took an initiative to bring all the pensioner associations under one forum for achieving the pension revision. We addressed officially all GSs but unfortunately their reply was not positive. Finally during Nov 2018 some development took place and Committee of BSNL MTNL Pensioners' Associations (CBMPA) was formed at New Delhi. AIRBSNLEWA, AIBSNLPWA, RTOWA Delhi and Mumbai and some other Associations of MTNL are the constituents. Com Gangadhara Rao GS of AIBSNLPWA is the convener of the steering committee and from AIRBSNLEWA Coms Prahlad Rai, Kishan Singh and Amit Gupta are the members. This committee took some meetings with DOT and DOP&PW officers but nothing significant than mere assurances could be achieved. Finally after constant persuasion DOP&PW wrote to DOT asking their concrete proposal for pension revision of BSNL/MTNL pensioners which is yet to be replied by DOT. Veteran leader Com M K Bagchi is playing very important role in arranging and participating in these meetings.

This committee has conducted two protest programmes demanding 7th CPC fitment formula for pension revision of ex DoT Employees w.e.f 1/1/2017.

1. On 22/11/2018 day long Dharnas at Bharat Sanchar Bhawan & Khusshid Lal Bhawan Janpath New Delhi
2. On 8/2/2019 a massive rally from Eastern Court Janpath to Sanchar Bhawan Ashok Road New Delhi.

**3.3 Present position:** As at present there is practically no possibility of 3<sup>rd</sup> PRC implementation in BSNL /MTNL in any form. At one point of time there was a possibility of implementation with 5% or even 0% fixation but now that is also remote. DOT has made it clear that without pay revision there will not be any pension revision. **At the time of our absorption it was officially communicated in writing that “Govt scheme of Pension will be available to the absorbees even after their absorption on combined services”** but now our pension revision is being denied which is very much within the scope of **“Govt Scheme of Pension”** on the ground that pay revision did not take place in BSNL/MTNL. When demanded 7<sup>th</sup> CPC’s recommendation for BSNL pensioners, DOT has denied on the ground that CPC is for CDA pensioners and not for IDA pensioners. DOT is also tactfully utilizing the opinion of one pensioners association to deny the demand, who is demanding pension revision as per 3<sup>rd</sup> PRC with 15% Fixation, forgetting the fact that PRC has not recommended anything on pension revision. The contentions of DOT that CPC is not for IDA pensioners although they are covered by CCS Pension Rules 1972 is not correct because all other recommendations of CPC on pension and Pensionary benefits are made applicable to BSNL /MTNL IDA pensioners excepting pension revision and minimum pension. Kindly see the table annexed. The saying that in 2007 , 2<sup>nd</sup> PRC was implemented for pensioners is also not technically correct. The cabinet memo prepared for the purpose do not mention anything about 2<sup>nd</sup> PRC but is a compilation of some recommendations of 6<sup>th</sup> CPC and 2<sup>nd</sup> PRC.

**3.4 Latest Developments:** It has come to our notice that DOT has ultimately replied to DOP&PW their communication as mentioned in para 3.1. It is also understood that the reply of DOT is on following points.

- a) At present the pension revision is linked with pay revision as per the Rule.
- b) In case pension is revised to pre-retired 1.1.2017 BSNL Pensioners, then pension will be more than the post retired BSNL Pensioners in case the Pay is not revised, this will create anomaly.
- c) DoP&PW has to suggest mean and manner under which the pension revision is delinked from pay revision by framing the Rule

**3.5 Our future action:** Under the situation as explained above, now we have to wait for some time to watch the action DOP&PW takes. If nothing favorable happens, perhaps the only alternative left to us is Legal Action as all our communications and discussions could not change the mindset of DOT and DOP&PW. We had some preliminary discussion with a leading lawyer of Supreme Court, who opined that we have to start from CAT. One other advocate, who is managing the 206 case, opined that the writ can be submitted to Delhi HC. In both the cases both money and time is required. This august house may deliberate and decide future action.

#### **4. Court Cases filed in PCAT ND for Pension Arrears.**

Revision of pension on 78.2% IDA merger

We had been Pursued continuously for pension revision on 78.2% IDA merger w.e.f 1/1/2007 by way of writing letters and meeting with DoT officers along with Com. Prahlad Rai.

Ultimately DoT issued orders vide letters no. 40-13/2013-Pen(T) dt. 18/7/2016 in Compliance to Cabinet decision on 5/7/2016 but payment was effective from 10/6/2013.

On 16/8/2016 we wrote a letter to Sh. Manoj Sinha MOC for revision of pension/ family pension as per procedure laid down by DOP & PW for Central Govt. Pensioners where in Banks are authorized to revise and pay the pension as per Central Pay Commission for pre 2007 retirees and in case of retirees between 1/1/2007 to 10/6/2013, to advise BSNL/CCA to revise pension as early as possible.

Our CHQ Continued to monitor progress of pension revision on 78.2% IDA merger by way of meetings & writing letters to various level officers in DoT as under :-

1. To M(F), M(S) on 22/4/2017.
2. To Secy(T) & Addl & secy(T) on 2/5/17
3. To Secy (T) 17/8/17
4. To DDG (A/C) on 13/12/17.

DOT vide their order dated 18<sup>th</sup> July 2016 has extended the benefit of 78.2% IDA merger from 1-1-2007 for those who retired before 10-06-2013 but effecting from 10-6-13. As per the order no pension arrears is payable till 9-6-2013 and also the Pensionary benefits are disallowed for the revised pension. This order was issued in clear violation of supreme courts directions as below

- 1) Pension and Pensionary benefits are the property rights and cannot be curtailed or withheld.
- 2) One group of similarly placed pensioners cannot be discriminated and divided.

Here both the directions were violated. Being aggrieved AIRBSNLEWA decided to file applications in PCAT New Delhi. Through website and other means like social media, SMS, Pensioners retired before 10-6-2013 was asked to join the court cases as applicants. Huge response was obtained and many pensioners took our membership to be the applicant of the court case.

**4.1 First Court Case OA 2260/2017:** This case was filed with 1199 applicants on 1-6-2017. Till now the case came for hearing for 15 times. On 13-7-17, 29-08-17, 10-10-17, 27-11-17, 08-1-18, 13-02-18, 07-03-18, 11-4-18, 9-7-18, 13-9-18, 18-9-18, 26-11-18, 23-1-19, 5-2-19, 17-5-19. For this case the reply of DOT and submission of our counter statement is over and the case was listed for final hearing on 09-8-2018. But due to adjournments finally the case came up on 26-11-2018. In between one other association filed another OA 2853/2018 which came up for hearing on 22-10-2018 in division bench. (our case is in single bench). OA 2853 although was mainly for pension arrears but was made complicated and hence liable to take more time. DOT counsel for both the cases is same. Our case was listed for final hearing and was based on simple logic as explained above and we were confident to get the judgment in our favour. This was not unknown to the DOT counsel. Therefore when OA 2853 came up for hearing on 28-10-2018, he mentioned that a similar case OA 2260/2017 is also pending before PCAT and both OA 2260/2017 and OA 2853/2018 may be clubbed and heard together. He willfully suppressed the fact that OA 2260/2017 is an old case and ready for final hearing. The division bench also passed the order accordingly. When our case came up for hearing in single bench on 26-11-2018, the DOT counsel pointed out about the order of division bench passed on 28-10-2018. Our advocate protested but the judge could not revert the order of division bench and ordered to take

the issue of delinking to be taken up by division bench. **Next hearing date is on 26-07-2019 in a division bench. Once our OA is delinked from OA 2853 we can expect final hearing and judgment.**

**Difference between OA 2260/2017 and 2853/2018**

- 1) There are five respondents for OA 2853 DOT, DPE, DOP&PW, DOE, BSNL but for 2260 only two respondents DOT and BSNL
- 2) In OA 2853 relief is sought for pay arrears also from 1-1-2007 to date of retirement along with pension and pensionary benefit arrears for the pensioners retired between 1-1-2007 to 9-06-2013 but in OA 2260 we have sought only pension arrears for them.
- 3) In OA 2853 relief is sought for those pensioners also who retired after 10-06-2013 for the pay arrears from 1-1-2007 to 9-6-2013 but in OA 2260 no benefit is sought for these group of pensioners.
- 4) In OA 2853 it is prayed to issue directive to DOT for paying the pay arrears to all those who retired after 1-1-2007, but if allowed it is to be payable by BSNL not DOT
- 5) In OA 2853 the case is prepared on different logic than OA 2260. In OA 2853 no where the judgement of Supreme Court on "Pension is property" is mentioned but it is repeatedly emphasized that DOT has violated the order of DPE dated 2-4-2009 but OA 2260 emphasized protection of pension and pensionary benefits is property right and cannot be curtailed or withheld.
- 6) OA 2853 has challenged the DOT order dated 10-06-2013 also along with order dated 18-7-2016 but OA 2260 did not challenge order dated 10-06-2013.
- 7) OA 2853 has just now admitted and reply from all the five respondents and the rejoinder by applicant is due where as OA 2260 is now ready for final arguments and judgement.
- 8) OA 2853 is admitted in division bench where as OA 2260 is in single bench

**4.2 Second Court Case. OA 1812/2018 :** After filing the first case, there was a pressure from the left out members to include them also in the case. In between our AP&TG circle and Nasik Branch was formed and we decided to file a similar OA with another set of applicant. Accordingly all actions were taken and second OA filed on 10-4-18 with 500 applicant. There had been six hearings for this case on 8-5-18, 9-7-18, 13-7-18, 5-10-18, 7-1-19, 5-4-19. Till now DOT has not filed its reply on the main OA and also for the MA 2021/2018 related to condonation of delay. **Next date of hearing is 12-07-2018. This case is listed in division bench.**

GS along with FS attended the court on all the above mentioned days for both the cases and are in constant touch with the advocate

**5. Recovery from pay at the time of retirement :**

**5.1** Hon'ble Supreme Court of India vide its judgement on CA 11527 of 2014 delivered on 18-12-2014 observed that recoveries at the time of retirement for following instances would be impermissible in law.

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.

Subsequently DOP&T vide no 18/03/2015-Estt.(Pay-I) dated 2<sup>nd</sup> March 2016 has circulated the judgment for further action for waiving the deducted amount. BSNL has also endorsed the said order. Subsequently about 28 pensioners from Kolkata has applied for the waiver to CGM CTD and to GM Estb BSNL CO. But till date no action has been taken. Not only this in spite of the orders from apex court and its endorsement , most of the CCA offices are continuing the practice of re fixing the basic pay at the time of retirement on the ground of wrong pay fixation done by BSNL and ordering for recovery of huge amount from leave encashment etc. Before issuing of the Judgment recovery was done from gratuity but now it is done by BSNL.

**5.2 RTI on this issue :** RTI was submitted on this issue to both BSNL and DOT. Following information were asked from BSNL

**1) Whether the said order of Supreme Court and the order of DOP&T dated 2-3-2015 has brought to the personal notice of all the officers working in pension cells of various circles and dealing with settlement of pension and pensionary benefits.**

**2) Number of application received by BSNL circle wise so far for waiver of the deducted amount at the time of retirement.**

**3) Number of cases where waiver has been actually ordered so far and deducted amount refunded to pensioners . circle wise.**

**4) Total number of cases circle wise from 2015 to 2018 where deductions have been made from pensionary benefits at the time of retirements for wrong fixation etc.**

**5) Total number of cases circle wise from 2015 to 2018 where pensioner has been asked to deposit some amount as overdrawn amount before settlement of Pensionary benefits at the time of retirements for wrong fixation etc.**

And from DOT following information asked :

**1) Whether the said order of Supreme Court and the order of DOP&T dated 2-3-2015 has brought to the personal notice of all the officers working in pension cells of various CCA units of all circles.**

**2) Total number of pension cases settled by diff CCA units for the employees retired from BSNL from 2015 to 2018. CCA wise break up may be furnished.**

**3) Total number of pension cases of Gr C & D employees for which objections/irregularities has been found out by CCA offices and informed to respective BSNL offices for necessary recovery/ action. CCA wise break up may be furnished from 2015 to 2018.**

**4) Total number of pension cases of Gr C & D employees for which objections/irregularities has been found out by CCA offices and pension was fixed lesser than the last pay actually drawn by withholding increments and recovery made from pensionary benefits.. CCA wise break up may be furnished from 2015 to 2018.**

**5) Total number of pension cases of Gr A & B officers for which objections/irregularities has been found out by CCA offices and informed to respective BSNL offices for necessary recovery/ action. CCA wise break up may be furnished from 2015 to 2018 .**

**6) Total number of pension cases of Gr A & B officers for which objections/irregularities has been found out by CCA offices and pension was fixed lesser than the last pay actually drawn by withholding increments and recovery made from pensionary benefits.. CCA wise break up may be furnished from 2015 to 2018.**

In reply BSNL has informed that they don't have any record to reply the information asked but has issued an office order complicating the issue, DOT has endorsed the application to all CCAs to reply. Till now nine CCAs (NE II, TEC, UP-W, HP, ND, CHHATISGAR, Uttarakhand, Bihar, Assam) informed that they have not made any such recovery AND other 9 CCAs (Haryana, AP, Rajasthan, ND, TN, Gujrat, Kerala, Calcutta Telephones, Punjab) replied ambiguously like "material record not available", "applicant may inspect the records" etc etc. Information from other CCAs are yet to be received. From this it is clear that at least 8 circles are acting against the SC order. This is a serious issue where the clear order of Supreme Court is violated blatantly. This august house may decide further course of action.

**5.3: Denial of first TBP by Pr CCA Kolkata after 5 years:** Pr CCA Kolkata has disallowed all Time bound promotions granted after 5 years from E1 to E2 scale and huge recovery of lakhs have been made with reduction of pension. This case has been taken up with DOT HQ and they have asked the opinion from BSNL CO. Reply from BSNL CO is awaited.

#### **6. Implementation of Rule 206 and its effect on past pensioners:**

Hon'ble Supreme Court CA No. 4339 of 1995 dated 28.09.2006 and CP Civil No. 248 of 2007 in CA No. 4339 of 1995 dated 25.03.2008 in the judgment directed the respondent that they shall rearrange the seniority in terms of the principals laid down in P.N. Lal's case restoring their earlier position and shall not put any employee over and above the present petitioners on the basis of the seniority in the service in the entry year. The judgement says:

***"We, however, make it clear that no arrears will be payable in terms of the impugned judgment. Consequential benefits of pay fixation including the Pensionary benefits, if any, will be payable in terms of the impugned judgment only w.e.f. from 01.01.2018 and not for the past."***

This has given hope to all the pensioners retired from BSNL from time to time that their seniority will be recasted and they will also get consequential pension benefit from 1-1-2018. But if any benefit has to be extended to the pensioners who retired before 2018, it has to be on their notional pay. As per CCS Pension rules pension is calculated on actual pay not on notional pay. Therefore to our opinion this judgment will benefit to only those who retired after 1-1-2018. Com Prahlad Rai our mentor is present in the house. I request him to present his views on this subject as the pensioners are in total confusion on the issue including the way seniority is refixed

by BSNL.

## **7. Co ordination with AUAB leaders**

A Joint forum of BSNL employees Unions & Association was constituted to take up pay revision of employees, revival of BSNL etc. with DoT, BSNL management.

We requested Sh. Prahlad Rai our Chief mentor to include our pension revision issue also w.e.f 1/1/2017 as the BSNL retirees were the members of Unions & Associations during their service period. Hence pension revision issue was included in demands of AUAB by efforts of Sh. Prahlad Rai GS, AIBSNLEA.

Com. Kishan Singh GS Along with Delhi Circle pensioners have actively participated in the following programmes as per Call from AUAB leaders:-

1. Candle Light March on 4/10/2017
2. Dharnas & Demonstration on 12/12/2017 & 13/12/2017
3. March to DOT/ Sanchar Bhawan 14/11/2018.

## **8. Acknowledgement for Co-operation & Support to AIRBSNLEWA**

**8.1** The continuous contribution and support extended by our chief Mentor Sh. Prahlad Rai, GS AIBSNLEA, to our Association and to our issues is very much valued and appreciated and commendable. AIBSNLEA is the only serving Association which is actively taking up the issues of pensioners. We are thankful to Sh. Prahlad Rai for his continuous support extended for resolution of the issues/ problems encountered by AIRBSNLEWA and BSNL Pensioners. We are also thankful to Com Sivakumar President who has also raised the issue of the pensioners along with Com Rai with different officers. We are also thankful to entire leadership of AIBSNLEA for their support. At the same time we expect that the newly elected GS of AIBSNLEA and his new team will continue to extend their effective support to this Association not only for resolving the issues but also for its smooth functioning at New Delhi by extending logistic support.

**8.2** CHQ also thankful to Sh A K Koushik Ji who as a lawyer assisting our advocate on record for the pension arrear cases and the effort he is making on pension revision issue.

**8.3** Sh. Amit Kumar Gupta AGS-I is very sincere & fast in gathering information and uploading on website. In addition to uploading website SH. Amit Kumar Gupta AGS-I have filed several RTI applications and collected information from DOT and DOP&PW under RTI Act which will be use full if we file a legal case on the issues. All such information are uploaded on our website from time to time. Particularly his contribution for unearthing the secret provision of 60:40 cannot be forgotten.

**8.4** CHQ also welcomes all new new branches formed and all new members enrolled during the period.

**8.5** CHQ also extend its appreciation to all branches particularly the Nasik Branch for collecting maximum advertisements for helping the organizers of this AIC.

**8.6** CHQ also extend its gratitude to Com A K Jain and K M Goyal Treasurer Delhi Circle for their active participation at all times in CHQ activities in Delhi.

## **9. Conclusion**

Thus it may be seen that consistent efforts have been made in getting all the major issue affecting BSNL Pensioners resolved through representation / discussion & dialogue with the competent authority in DOT, DOP & PW MOF, Deptt. Of Expenditure and BSNL etc.

Our Members have been suitably updated through our website on the progress and status of current issue and analytical feedbacks for kind information and perusal by our members. Suggestion / advice from members is always invited for further improvement. We again thank our Chief Mentor, Sri Prahlad Rai, GS, AIBSNLEA and hope for his continued support and co-operation in future and for expansion for our Membership base by insisting upon the superannuating Members of AIBSNLEA to join AIRBSNLEWA to increase our strength for our strength and also for their continued WELFARE.

Long Live AIRBSNLEWA.  
Long Live AIBSNLEA  
Long Live Pensioners' Unity

Kishan Singh  
General Secretary  
17-07-2019