



ALL INDIA
RETIRED

Registration No. S/00108/NE-/2010

**BHARAT SANCHAR NIGAM LIMITED EXECUTIVES' WELFARE ASSOCIATION
CENTRAL HEAD QUARTERS, NEW DELHI**

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NO.AIRBSNLEWA/CHQ/2023/SECY/

Dated 17th December, 2023

To

BY SPEED POST& HAND

Dr. Neeraj Mittal ji,

Secretary, Department of Telecommunications,
Sanchar Bhavan, 20-Ashok Road, New Delhi- 110001

Respected Sir,

Re: Representation seeking immediate compliance of Judgment dated 20.09.2023 passed by the Hon'ble Central Administrative Tribunal, Principal Bench in O.A. No. 1272/2020 titled as "All India Retired Bharat Sanchar Nigam Limited Executive Welfare Association &Ors. vs. Union of India &Ors."

The undersigned is constrained to make the present representation seeking immediate compliance of the Judgment dated 20.09.2023 passed by the Hon'ble Central Administrative Tribunal, Principal Bench (hereinafter "**Hon'ble CAT, PB**") in O.A. No. 1272/2020 ("**OA**") titled as "*All India Retired Bharat Sanchar Nigam Limited Executive Welfare Association &Ors. vs. Union of India &Ors.*" (hereinafter "**Judgment**"). A true copy of the Judgment dated 20.09.2023 passed by the Hon'ble CAT, PB is enclosed herewith as Annexure A.

The undersigned was an Applicant in the abovementioned O.A. wherein the following reliefs (*as mentioned in Para 6 of the Judgment*) were sought:

"(a) Pass an Order directing the Department of Telecommunications to revise the pension/family pension/minimum pension w.e.f. 01.01.2017 for the BSNL combined service Pensioners, who were absorbed from DOT/DTS/DTO w.e.f. 01.10.2000 and retired prior to 01.01.2017 by applying the fitment formula on IDA pension as on 01.01.2017;

(b) Pass an Order directing the Department of Telecommunications to revise the pension/family pension/minimum pension w.e.f. 01.01.2017 for the BSNL combined service Pensioners, who were absorbed from DOT/DTS/DTO w.e.f. 01.10.2000 analogous to the revision of pension/family pension/minimum pension for the Central Government Pensioners based on the recommendations of the 7th Central Pay Commission;

(c) Pass an Order directing the Department of Telecommunications to revise the pension for BSNL combined service pensioners parallel to the revision of pension of the Central government servants without linking with Pay revision in BSNL;

(d) Pass such other further order (s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case and in the interest of justice."

That the Hon'ble CAT, PB, while allowing the OA, was pleased to pass the following directions to the Union of India, Department of Telecommunication, viz.:

"28. In view of the elaborate discussion above, the OA stands allowed. The competent authority amongst the respondents is directed to forthwith revise the pension and family pension wherever applicable, strictly in accordance with the relevant rules and the entitlement governing pension to various sets of employees of the Central Government, maintaining strict parity. It is clarified that the benefits of revision of pension and family pension as notified by the Central Government on the recommendations of the Pay Commission, shall stand extended in favour of the applicants, analogous to the revision of such pension in case of Central Government pensioners.

29. The directions contained herein shall be complied with within a period of ten weeks from the date of receipt of a certified copy of this order.

30. The OA stand allowed against the background of the aforesaid directions. Pending MA(s), if any, stands disposed of accordingly.

There shall be no orders as to costs." (Emphasis Supplied)

In view of the categorical directions passed by the Hon'ble CAT, PB, the Union of India, Department of Telecommunication ought to have implemented the Judgment. Notably, the period of ten weeks has expired on 29.11.2023, and despite a passage of more than two weeks, the Judgment of the Hon'ble CAT, PB has not been implemented. It is important to mention, that while allowing the O.A., the Hon'ble CAT, PB noticed the fact that the government sought to retract the promise made to the absorbed officers in black and white, without any law or rules justifying the same, but by a mere refusal.

The Hon'ble CAT, PB also observed the undisputed fact that even before, the recommendations of the Central Pay Commission have been implemented in favour of the absorbed employees and placed reliance on the provisions of Rule 37 (A) of the CCS (Pension) Rules, which has to guide payment of pension to the absorbed employees. Further, given that the Hon'ble CAT, PB has underscored that the terms and conditions of absorption of the employees from DOT to BSNL/MTNL has to be protected, there is no reason whatsoever, that the Union of India, Department of Telecommunication is not implementing the Judgement.

The Applicants are all senior citizens who upon the assurance of Department of Telecommunication sought absorption in BSNL/MTNL with a view of their pension being protected *vis-à-vis* the government servants.

It is humbly requested that the Judgment of the Hon'ble Tribunal may kindly be implemented at the earliest and the pension and family pension of the absorbed BSNL/MTNL officers may be revised analogous to that of the central government employees by applying the relevant formula for the absorbed BSNL/MTNL officers.

Warm regards,

Yours Faithfully



(Prahlad Rai)
General Secretary