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No.AIRBSNLEWA/Secy-DOT/2021/

Dated 8th March, 2022

To

Shri Rajaraman Ji,
Chairman Telecom Commission & Secretary Telecom,
Department of Telecommunications,
Govt. of India, New Delhi-110001

Sub: **Memorandum for Pension revision of BSNL Pensioners- regarding;**

Respected Sir,

We are extremely thankful to your kind honour for granting us a meeting in person despite of your very busy schedule.

We on behalf of the All India Retired BSNL Executives Welfare Association (AIRBSNLEWA), we welcome and felicitate your good self on assuming the high office of the DoT. We are confident that under your dynamic leadership and with wide experience, Telecom Industry will grow further in our country and Telecom. Customers will be getting reliable Telecom Services at affordable rates.

We the BSNL retirees drawing pension from the Consolidated Fund of Government of India under Rule-37A of CCS Pension Rules 1972 would like to submit the memorandum with the following few lines for your kind, sympathetic and favourable consideration please.

Our pension has not been revised which is due from 1.1.2017, whereas our counterpart DoT pensioners' pension has already been revised w.e.f. 1.1.2016.

AIRBSNLEWA continuously persuaded with the DoT administration for revision of pension of BSNL pensioners w.e.f. 1.1.2017. The last time the pension of the BSNL pensioners were revised from 1.1.2007. DoT administration has replied that pension revision is linked with the revision of pay of BSNL employees.

The pay revision of BSNL employees is being done on the basis of 3rd PRC report wherein the pay revision is related with the affordability of the PSE. BSNL is making losses for the last 10-11 years thus the pay revision of BSNL employees has not taken place as per 3rd PRC report.

Similarly BSNL pensioners are also suffering from non-payment of IDA fitment benefit of 78.2% w.e.f. 1.1.2007 to May 2013 which is pending since long, by not implementing the DPE guideline on the subject matter in its true spirit.

Now, the Income Department also has started issuing notice under section 154 towards recovery of income tax exemption granted to the BSNL Pensioners amounting to more than 2 lakhs.

In this regard; the following details are also furnished towards the justification of our demand of pension revision.

There are about 2.5 lakh pensioners / family pensioners, who have retired prior to 1.1.2017, who were officers and employees of BSNL and were all absorbed from DoT on 1.10.2000 with the specific assurance that they would be treated on par with the Govt. employees in the matter of pension. This assurance was specifically incorporated into Rule 37-A of the CCS (Pension) Rules 1972 promulgated under Article 309 of the Constitution of India, 1950 and in terms of which they said employees were entitled to the applicable Govt. scheme of Pension / Family pension even after their absorption into BSNL

These Pensioners were Govt. servants holding civil post in DoT under Govt. of India prior to their absorption in BSNL and as such were safeguarded under Article 311 of the Constitution of India and governed by the CCS pension Rules 1972 for pension / family pension.

Though the 7th pay commission report has been implemented for all the Central Govt. employees, Pensioners & Family pensioners, except the pension revision and minimum pension, all other conditions of the 7th CPC like calculation of pension, additional pension with maturity of age, qualifying service for full pension, commutation, limit of Gratuity, Family Pension and Leave encashment amount, etc. has been implemented for BSNL employees and pensioners. As regards the pension revision, it is misconceived that the 7th CPC report is not applicable to IDA pensioners.

As per the agreed terms and conditions, the BSNL pensioners / family pensioners are at par with the other Govt. servants. While the pension of the Govt. servants are revised on completion of every 10 years, the pension revision of the BSNL pensioners was done on 1.1.2007, that is 15 years ago.

Sir, after the pension revision, the minimum pension of a Group D employees retired from Govt. service is Rs.9000/-, whereas, the minimum pension of a Group D employee retired from BSNL is Rs.3500/-, due to non-implementation of pension revision of BSNL pensioners.

Sir, the medical facilities under CGHS available to the Central Govt. employees / pensioners are extended to BSNL Pensioners also. Whereas, the said CGHS facilities are not extended to the serving employees of the BSNL.

Sir, during december 2015, DoT had sent a request to the nodal Ministry for CPSUs to add revision of pensionary benefits of BSNL & MTNL Pensioners as terms of reference of 3rd PRC and it is evident from this fact that the Govt. has made its intention of Pension Revision of BSNL pensioners w.e.f. 1.1.2017. However, due to skeptical negative approach of few of the DoT officers, the case not been processed further.

It is learnt that DoT is of the opinion that in case the pension of the existing pensioners are revised, their revised pension would become higher than the pension to be fixed on retirement of

the existing employees. This would create an anomaly in BSNL / MTNL as the existing pensioners would be getting more pension than the retiring pensioners.

In this regard, we would like to submit that, in case, such anomaly occurs between Pre-2017 and post 2017 combined service pensioners of BSNL, it will be limited to few more years as almost all the employees absorbed in BSNL from DoT/DTS/DTO and eligible for combined service pension under Rule 37-A of CCS (Pension) Rules 1972 will retire by the next Pay revision which is due in 2027.

Further more, in order to avoid such anomaly, we suggest to give notional pay revision for the BSNL serving employees w.e.f. 1.1.2017 without creating any additional financial liability for BSNL.

Sir, in case the pension of the BSNL pensioners / Family pensioners are not revised due to the illogical reasons, then, there will never be any pension revision of BSNL Pensioners / Family pensioners in the times to come since, pension is only for the BSNL absorbees and in the coming few years, there will be no BSNL absorbees left, as all would have retired and the BSNL pensioners / Family pensioners will continue with the existing pension in their entire life time in the rising inflation.

Sir, the pension revision of the BSNL retirees are fully justified on the following grounds:

1. The inaction and non-implementation of revised pension as per the 7th CPC and 3rd Pay Revision tantamount to discrimination by DoT amongst the retired BSNL pensioners and the Govt. Servants in as much as the BSNL pensioners are the combined service Govt. pensioners by virtue of Rule 37-A of the CCS (Pension) Rules, 1972 and have retained their status of a Govt. servant upon their retirement.
2. Pension revision and pay revision have no relation whatsoever in so far as the combined service BSNL pensioners are concerned, since the pension of the latter is to be borne by the Govt. by virtue of Rule 37-A of the CCS (Pension) Rules 1972. As such it would be improper to link pensionary benefits with the financial status of the BSNL, especially after their retirement.
3. At the time of absorption by BSNL, the combined service BSNL pensioners were assured that their status as a Govt. servant upon retirement is not hindered on account of being absorbed in BSNL, which is the reason to amend the Rule 37 of CCS (Pension) Rules, 1972 by insertion of Rule 37-A and therefore, benefit of pension revision as has been done in respect of other Govt. pensioners cannot be denied to the BSNL combined service pensioners.
4. Pursuant to absorption in BSNL, DoT vide O.M. dated 9.11.2000 categorically mentioned that the employees of DoT who will be absorbed in BSNL will be entitled to the Govt. scheme of pension/family pension even after their absorption in BSNL.
5. AS per Rule 22 of Rule 37-A of CCS (Pension) Rules 1972, pensionary benefits of the BSNL pensioners are to be borne by the Govt. and therefore, absence of pay revision of BSNL in view of the affordability clause cannot be a ground for denial of pension revision, as there is no such affordability condition for any other Govt. pensioners for their pension revision.

6. The pension revision of BSNL pensioners and the pay revision of the BSNL employees have no relation whatsoever in so far as the combined service of BSNL pensioners are concerned, since these pensioners have no role in the financial status of the BSNL, since they do not and cannot contribute to the financial growth of BSNL.
7. The central Govt. pensioners and the combined services Govt. pensioners retired from BSNL are at par on pensionary benefits as every amendment to CCS (Pension) Rules 1972 from time to time is made applicable to combined service Pensioners of BSNL under Rule 37-A, which makes them at par.
8. It is a fact that 9 recommendations of the 7th CPC namely, qualifying service for full pension, method of calculation of pension, family pension, commutation of Pension, restoration / increase in pension, limit of DCRG, leave encashment, etc. have been implemented in favour of the BSNL pensioners on their retirement, except pension revision.
9. The pension contribution of all the combined service BSNL pensioners has already been made to DoT as per the provisions of Rule 37-A and that too of the maximum of their pay scales and at this stage, when the BSNL pensioners, who are senior citizens with a legitimate expectation to reap the benefits of their service, are being with held, which otherwise would not have happened, had these BSNL combined service pensioners would have opted to remain in Govt. service.

Considering the facts mentioned above, we would like to mention that we are the senior citizens of our country and we have contributed our whole service period for the sake of the DoT / BSNL and our nation and now, it is quite unfortunate to deprive the legitimate right of the BSNL pensioners of their pension revision at par with other pensioners.

We the pensioners and family pensioners would therefore request your kind intervention in the matter so that concerned officers of DoT may please be directed for an early revision of pension/family pension w.e.f. 1.1.2017, as per 7th CPC recommendation by delinking it from pay revision of BSNL serving employees so that we may get justice which is being denied by DOT.

II. Payment of arrears of 78.2% IDA fitment benefit w.e.f. 1.1.2007 instead of June 2013 as per DPE order to BSNL Pensioners

Sir, an another long pending issue of BSNL pensioners where kindly intervention of your honour is invited is that, as per the order of DPE regarding 78.2% IDA fitment benefits, it was due to BSNL pensioners w.e.f. 1.1.2007. But, it has been paid to the BSNL pensioners from June 2013 onwards only. Therefore, the arrears from 1.1.2007 to May 2013 are required to be paid to the BSNL pensioners. Your goodself is kindly requested to issue instructions to the concerned to implement the DPE order in its true spirit.

III. Notice under section 154 of Income Tax Act, 1961 received by many BSNL pensioners from Income Tax department having combined service in DoT and BSNL

Sir, BSNL, vide its letter no. 1001-04/2011- 12/Taxation /BSNL/ LE/196 dated 04/05/2012 has clarified that, Encashment of Leave Credit of Government Service at the time of permanent absorption into BSNL from DOT that is on 01.10.2000 is eligible for full exemption under section 10(10AA) sub clause (i) of Income Tax Act, 1961 & leave salary of pensioner after

absorption in BSNL from 01.10.2000 is exempted from Income Tax subject to a maximum upto Rs 3,00,000 and remaining amount is taxable.

However, BSNL pensioners, including those who have opted for VRS under VRS 2019 of BSNL, are getting Notices from Central processing Center of Income Tax Department under section 154 of Income Tax Act, 1961 for the Assessment Year 2019-20 intimating them regarding the withdrawal of excess claim of exemption claimed under section 10 (10AA) by restricting it to Rs. 3,00,000/-.

We have already taken up the matter with the Chairman CBDT, New Delhi, the matter is still not resolved. We, would therefore, request your honour to kindly use your good offices to settle the case at the earliest please.

We pray your honour to be kind enough to help the BSNL combined service pensioners by directing the concerned DoT officers to consider the pension revision, arrears of payment towards 78.2% IDA fitment benefits and also to take up the matter with the Chairman CBDT to stop initiating illogical recovery of Income Tax benefit granted to the BSNL pensioners at the earliest and oblige please.

Sir, we shall ever remain grateful to your kind honour.

With kind regards;

Yours Sincerely



General Secretary
AIRBSNLEWA, CHQ.