

PERSONS GUILTY OF CONCEALMENT OF FACTS FROM THEIR MEMBERS COUPLED WITH TOTAL INACTION AND OSTRICH LIKE RESPONSE TO THE VITAL ISSUES OF PENSIONERS WRONGLY ACCUSE OUR ORGANISATION/ OFFICE BEARERS OF SPREADING DISINFORMATION CAMPAIGN UNDER ARTICLE “ IS OUR PENSION SECURE?” AS PUBLISHED ON THEIR WEBSITE ON 21/12/2015.

After HOLD-UP and delay in DoT in extending the benefit of 50% IDA Merger amounting to 78.2% IDA as on 01/01/2007, our AGS filed several RTI applications to DOT establishment and DOT finance to explore the cause of delay and expedite settlement of this issue. Based on the information received and supplied documents our CHQ Office bearers i.e. President / AGS prepared several write-ups which were uploaded on our website and these were very well received and appreciated by our colleagues/ comrades all over India.

Surprisingly a write-up has been uploaded in a website maintained by some persons, who claim to be the sole savior of BSNL pensioners but who never visited DoT Head Quarters or other concerned Offices/ Ministries to meet the concerned officers, over a period of last several years (no such news in their website), but who still claim to be dealing with the present issues related to pensioners. As a result they are frequently not aware of the current status and only provide speculative/ hypothetical and many times incorrect information on their website just to impress their members and assure them that their interests are being looked after and protected. Incidentally these people were at the helm of the affairs at New Delhi as office bearers of TESA & AIBSNLEA when vital developments took place in DOT between 2000 & 2006 and they made all efforts to convince the members of TESA / AIBSNLEA with various arguments in most of their meetings to opt for absorption in BSNL without any reservations.

The write-up of our AGS although was not against any individual or organization, but out of their guilty feeling, they came out with a write up which does not contain any material facts but it is full of unsubstantiated allegations, taunting and sarcastic remarks. Even long life of our AGS has been wished in a sarcastic manner. Although in the article our AGS has never opined that “our existing pension is insecure” but only put forth the current status on BSNL Pension based on documents supplied by DoT in response to RTI Applications, but these people in their counter write up have mischievously twisted the issue and portrayed that settlement of 78.2% IDA issue and other pension related issues are a very routine matter and our members need not have any apprehensions over their settlement and they put forward some old issues as if the recent developments were unknown to them and to other persons/ organizations.

Our pensionery issues did not encounter any problem from 1/10/2000 to 26/1/2005 until DoT/ Govt. of India decided to incorrectly apply the debarred provision of sub rule 20 of Rule 37-A of CCS Pension Rules 1972 under the garb of sub rule 22 of Rule 37-A of CCS Pension Rules. Consequently under Cabinet Decision dated 27/1/2005, liability of the Government of India towards payment of pensionery benefits to BSNL Pensioners was limited to only 60% of Revenue Receipts from BSNL/MTNL, while making BSNL responsible for reimbursement / recoupment of any shortfall towards payment of pension to BSNL Pensioners without any consultation or commitment from BSNL.

Further this arrangement made in the cabinet decision dated 27/1/2005, under persistent pressure from Department. Of Expenditure, in the name of “specifying the manners” is the same provision as specified in sub rule 20 of Rule 37A which is a debarred clause for BSNL statutorily under sub rule 21 of Rule 37-A and should not have been made applicable in a round about way which has been done by DoT/ Cabinet under decision dated 27/1/2005. Sub Rule 20 and 21 of Rule 37-A are quoted below for ready reference:-

“Sub Rule(37A) (20). Payments of Pensionary benefits of the pensioners of a Government Department on the date of conversion of it into a Public Sector Undertaking or Autonomous Body shall continue to be the responsibility of the Government and the mechanism for sharing its liabilities on this account shall be determined by the Government.”

“ Sub Rule(37A) (21). Nothing contained in sub-rules (12) to (20) shall apply in the case of conversion of the Departments of Telecom Services and Telecom Operations into Bharat Sanchar Nigam Limited, in which case the pensionary benefits including family pension shall be paid by the Government. “ .

“Sub Rule(37A) (22). For the purposes of payment of pensionary benefits including family pension referred to in sub-rule (21), the Government shall specify the arrangements and manner including the rate of pensionary contributions to be made by Bharat Sanchar Nigam Limited to the Government and the manner in which financial liabilities on this account shall be met.”

Ironically sub-rule 20 of Rule 37-A , which was not applicable to BSNL has been invoked and made applicable by the Cabinet Decision dated 27/1/2005 under the guise of sub Rule 22 of Rule 37-A of CCS Pension Rules even though sub rules 20 and 22 are entirely different in their intent and content therein. **Sub Rule 20 has no mention of pensionary contribution and calls for mechanism of sharing Govt. liabilities between PSU and Government. Sub Rule 22 calls for only pensionary contribution from BSNL to the Government and Government has to decide the manner in which financial liabilities on this account shall be met.**

ITSA was aware of this Cabinet Decision dated 27/1/2005, but the then CHQ leaders of TESA & AIBSNLEA, and other General Secretaries of various Associations / Unions were apparently unaware about the same, or some of them might have deliberately chosen to remain silent over the issue due to the reasons best known to them.

Cabinet Decision dated 27/1/2005 regarding pensionary liability of BSNL actually defines and limits the Government’s liability on payment of Pensionary benefits to (i) DoT Retirees as on 1/10/2000, (ii) BSNL absorbees / deemed DoT Retirees and (iii) All other employees who have worked or are working on deemed deputation in BSNL i.e. ITS Officers etc., who have not yet taken absorption in BSNL but are working on deemed deputation in BSNL w.e.f. 1/10/2000. To the 60% of the collection from BSNL from taxes. **This was certainly not the situation at the time of our absorption.**

Under Rule 37-A of CCS Pension Rules, there were only two categories of DoT Pensioners i.e. (1) DoT Retirees who superannuated before 1/10/2000 and (2) Deemed DoT Retirees, who got absorbed in BSNL as on 1/10/2000. Under cabinet Decision dated 27/1/2005 a third category of Pensioners has been introduced as **deemed deputasionists i.e those who have worked /**

are working on deemed deputation in BSNL. This category includes all ITS Officers and others who worked in BSNL but did not seek to be absorbed in BSNL, even their pension has been made payable from the new dispensation under Rule 37-A of CCS Pension Rules.!

Even DoT kept the Cabinet decision a SECRET even while issuing OM No.1-45/2003-B dated 15th June 2006, which was issued in pursuance of Cabinet Decision dated 27/1/2005. No mention was made of the Cabinet Decision in the OM dated 15th June 2006, as if this OM was a local order issued by DDG(FEB) for internal use of DoT alone. Some protest/ noise was made against this order but no steps were taken to seek annulment of Cabinet Decision dated 27/1/2005 and consequently of the OM dated 15/6/2006 even though then Member(F) categorically advised Secretary(T) to initiate the process of annulment of Cabinet Decision dated 27/1/2005 and the said Cabinet Decision should not be left unattended. **(Letters / OM issued by two former Secretaries(T) on BSNL pension issue i.e. Shri Nripendra Mishra's letter dated 15/3/2005 and Shri Sidhartha Behura's letter dated 5/1/2009 do not supersede or modify the Cabinet decision dated 27/1/2005, as presumed wrongly in many quarters.)**

Present Member (F) has again asked for annulment of Cabinet Decision dated 27th January 2005 before 50% IDA Merger amounting to 78.2% IDA can be granted to BSNL Pensioners superannuating before 10th of June 2013. The issue remains unsettled for so long only because of non-annulment of Cabinet Decision dated 27/1/2005, and even a proper reply to queries raised by DOE on 5th August 2015 regarding waiver of 60:40 formula in draft Cabinet Note sent to DoE for concurrence, are proving a tough nut to crack for DoT. The reply to DOE queries could not be sent even after a lapse of almost five months. DoT now proposes to by-pass the normal channel through DoE and approach the UNION Cabinet to get the issue resolved directly in Cabinet. There MOF may either agree to DoT proposal or else refer the attached DoT reply to DOE queries dated 5th August 2015 for examination and comments by DOE before agreeing to resolve the issue in the Cabinet in subsequent meetings.

Now , you can judge yourself, who is concealing facts from the members and resorting to disinformation campaign ?

--- Rakesh Srivastava & Amit Kumar Gupta President/ AGS, AIRBSNLEWA

(Also see a WRITE-UP on this issue published earlier by PRESIDENT, AIRBSNLEWA)