

**ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION**  
**Central Head Quarters**  
**New Delhi**

**Report of the General Secretary placed in the All India Conference of AIBSNLREA  
held on 2nd<sup>th</sup> and 3rd July 2016 at Bhubaneswar**

**Respected President and dear Friends,**

**1.0** This is the first ever opportunity for the members of All India Bharat Sanchar Nigam Limited Retired Executives' Association to meet in a national event since its formation in April 2008. The Association came into existence due to the earnest desire and initiative of Shri K Sreekumaran Nair from Kerala to bring all the old colleagues who retired from BSNL on one platform. His objective was mainly to ensure that we remain as one maintaining our own identity and voice, and are not lost in a bigger crowd. Unfortunately, he expired even before this Association was formally launched. Today, I remember him with heavy heart and he continues to be our inspiration.

**2.0 Registration :** Though the Association was formally launched in April 2008 and started its normal functioning, it took almost six long years to get it registered under the Societies Registration Act 1860 in Delhi as an All India Organization. Thrice the applications along with the documents submitted in the centralized office of the Registrar of Societies in Delhi seeking registration were reported to be misplaced/lost. Despite our best efforts, we could do little to get those documents retrieved. Thereafter, in the year 2012 we took the assistance of one Legal Agency engaged in assisting the societies in processing their applications for registrations. We collected fresh papers from some of our members stationed in different states and handed over all the documents, which were necessary to get the registration, to the said agency. The fresh application for registration along with the documents was duly submitted to the office of the Registrar of the area concerned, since the Delhi Government had decentralized the function related to registration of the societies. Here also our experience was not very sweet. The Legal Agency was not able to push through the case beyond certain limit. We then took RTI route to collect some vital information/documents regarding clearance of the name of the Association under Names & Emblem Act 1950 etc from the concerned Offices of the Central and State Government. We even presented those information/documents to the said Registrar's Office. But still the Registrar's Office was not ready to issue the Registration Certificate. We thereafter made several representations to the Chief Minister of Delhi and also the Lt Governor of Delhi. Finally, instructions were issued to the Registrar's Office to settle the issue and one fine morning we received a letter from the Registrar asking us to visit his Office to collect the certificate by depositing the prescribed fees. Thus after a long struggle, we could get the Association Registered under the Societies Registration Act of 1860 on 29<sup>th</sup> August 2014. However, the Association faced no problem of any nature in its normal functioning even during the period when it had no registration certificate under the Societies Registration Act of 1860.

The Association continued to get response from the Departments/Ministries and other bodies whenever it took up the issues with them.

**3.0 Organizational Structure:** The Rules and Regulations of AIBSNLREA provides a 3 tier organizational set up at Central, State and Branch levels. We have not made the branches co-terminus to the SSAs/Units or Circles since there are no recognition rules or prescribed channel of communications for the Pensioners' Associations. Our experience shows that Branches are the most important nerve centers for the activities of the Associations. Since Pension is being paid by the Government, no policy on this is being framed at Circle or Corporate Office level. Even implementation is not in its hand. Thus on pension related matters, BSNL Offices have very little to do. Still due to inactiveness of the Circle Offices, some problems – mostly for individual pensioners do surface. In such cases, the state bodies operating from the Circle Headquarters can be of some help to the Branches to get the common and individual grievances of the members followed up in concerned Offices. Fortunately, such cases are not many.

**4.1 Branches and Membership:** Though the Rules and Regulations of our Association also provides for collection of monthly subscription, we are giving importance to only Life Membership. Given the difficulties in collection of monthly subscriptions on regular basis and contacting the members, Life Membership has become the best option. At present, we have got nearly 3800 Life Members from 50 branches. Unfortunately, we find the tendency in few branches not to report increase in Life Membership and also not remitting the due quota to CHQ. This is an unhealthy practice in an association of the seniors and is therefore unacceptable.

**4.2 Dissemination of information:** Our website remains the main platform to disseminate information to one and all. We always tried to give latest and authentic information. The credibility of the website among the viewers is very high. This is a paid website with our own domain name and hired hosting space. Shri R R Balasubramanian from Chennai is maintaining the site and he himself had designed it. We have also started issuing one monthly e-journal which is titled as "Second Innings" and being released on 6th of each month. We have also uploaded many thoughtful articles on important topics written by Shri S Ratnasubramanian, Joint Secretary (South) from time to time. During implementation of pension revision, queries raised by the viewers were effectively replied by him through our website. This became very popular and proved effective. Communication with the Branches are made mainly through e-mails.

**5.1 Rights and Scopes for Pensioners' Associations:** We need to understand that unlike the unions/associations of serving employees in Government, there are no Recognition Rules for the welfare associations of the Government pensioners or absorbed pensioners of the CPSEs/Autonomous Bodies. Moreover, there is no prescribed channel of communications for the pensioners' welfare associations. As such, there is no provision for any periodical formal/informal meetings between the Government/CPSE administrations and the pensioners' welfare associations. However, in order to address the grievances of the pensioners, the

Government has a Department called Department of Pension & Pensioners' Welfare to deal exclusively with the pension related matters and individual/common grievances of the pensioners. This Department has also a mechanism known as Standing Committee of Voluntary Agencies (SCOVA) in which the grievances of the pensioners are discussed and in which only a few selected Central Government Pensioners' Welfare Associations for a period of two years, out of many, are allowed to participate. In addition, there is another Centralized Pensionary Grievances And Monitoring System (CPENGRAMS) where the individual pensioners and the associations can lodge their grievances. Unfortunately, all these present systems in vogue are found inadequate and incapable to redress the pensioners' grievances to their satisfaction. Again, whenever the pensioners or the associations do represent to DOP&PW to get their grievances removed, in most of the cases the representations are forwarded to the concerned department in which the pensioners had last served with the advice to take action as per extant rules on the subject and inform the petitioner accordingly. But hardly, the petitioner-pensioner gets any communication from the concerned department and the actions if and when taken mostly fail to satisfy him.

**5.2 Limited scope for conventional Organizational actions:** Unlike the unions/associations of the serving employees in Organized Sectors, the common trade union practices like cease-work/general strike, dharna, hunger strike, demonstration etc by the pensioners' associations are neither practicable nor having any visible impact. However, actions like demonstration or mass dharna sometimes receive some attention from the concerned administration. In the background of limited opportunities that are available to get the grievances redressed, one needs to effectively use the RTI route and even utilize the platform of Pension Adalats. A thorough analysis and understanding of the Rules/Orders on the subject also helps to properly communicate with the appropriate authorities to drive the points home. Therefore, there is a huge difference in scope, power and rights of the union/associations of the serving employees and the pensioners' welfare associations.

**6.0 BSNL Pensioners' Welfare Associations:** A number of Pensioners' Associations came into existence with solemn declaration for the welfare of the BSNL Pensioners. Many of these Associations had their activities restricted within the particular SSAs or areas. Some of these Association had membership from the retired employees both from Department of Telecommunications and Bharat Sanchar Nigam Limited. All these associations are not headquartered in Delhi and many of them are operating from outside Delhi. Some of these associations are influenced by the political ideologies of some specific political parties and are directly or indirectly influenced, controlled and operated by different serving employees' unions including association of executives in BSNL. In fact, some of the pensioners' welfare associations have become the extended arm of the serving employees' unions/associations. Almost all these associations have membership from both retired non-executives and executives of BSNL. AIBSNLREA is the first Association with its headquarter in Delhi and having membership exclusively of the retired BSNL executives. The membership and leadership of the Association comes from the retired executives of BSNL who during their service period had been the members of different serving executives' Associations or even unions.

**7.1 Role of Serving Employees unions/associations in BSNL on pensioners' issues:** With heavy heart, I am to report that the leadership of serving employees' unions/associations had shown little interest in the matters affecting the pensioners. When Government announced 50% merger of DA with basic pay w.e.f. 1.1.2006 for the CG employees and the pensioners, demand was raised to extend the same benefit to the BSNL employees. But no union or association demanded for extension of the benefit simultaneously both to the serving and retired employees of BSNL. When BSNL Management processed the case only for the serving employees and approved a proposal to extend the benefit only to the serving employees, no union or association of the serving employees had ever asked the management to consider the case of the pensioners also. They had an unfounded fear in mind that once the case of the pensioners is also clubbed together, the case of the serving employees may become harder to achieve.

**7.2** We all know that whenever revision of pay scales of the employees of any Department takes place, the revision of pension of the retired employees from that Department also takes place. But when the revision of IDA pay scales for the serving BSNL employees with fitment benefit by merger of 68.8% IDA w.e.f. 1.1.2007 alone was ordered, no serving employees' union or association questioned the DOT why the revision of pension of pre-2007 pensioners was not simultaneously ordered as in the case of Government. At that time, they might have been expecting an order for revision of pension in CDA scale and not in IDA scale. These unions/associations from both BSNL and MTNL under the banner of Joint Forum of Unions/Associations and United Forum of BSNL/MTNL Executives' Associations held a few meetings with Secretary (Telecom) and also with CMD, BSNL to discuss, along with other issues, the ITS absorption. On being told that the demand of ITS for 'payment of pension and its revision of pension on CDA pattern' has been taken up with DOP&PW, Ministry of Expenditure and Ministry of Law, the leadership of these unions/associations "explained that they are not against settlement of genuine aspirations of any group of employees" – thus supporting revision of pension in CDA scale. More shockingly, the Executives' associations from both BSNL and MTNL, in their meeting with Secretary (T), when told about the progress made on pension revision in CDA pattern as demanded by ITSA, instead of protesting against the move they "desired to know the time frame which would be required to complete the exercise'. What we report here are all documented and recorded in the minutes of the meetings issued by SR Branch of BSNL. They had no remorse that by supporting revision of pension on CDA scale they are back stabbing the interests of all the pensioners. At that hour of crisis, AIBSNLREA alone stood firmly against those combined forces and immediately moved to Department of Legal Affairs under Ministry of Law & Justice and Department of Pension & Pensioners' Welfare. The matter was discussed on several occasions with the concerned Officers. The Association also submitted various documents justifying revision of pension only on IDA pay. AIBSNLREA could establish that the DOP&PW Order dated 19.09.2003, which was being cited by DOT and others in support of revision of pension on presumptive CDA scale, was not at all applicable in our case. We could also produce orders for revision of pension for the pensioners of Food Corporation of India under the Department of Food and Public Distribution and the Port & Dock employees respectively in IDA scale. Finally, DOP&PW turned down the proposal of DOT and clarified that the revision of pension of BSNL pensioners be done only on IDA pay. This decision

of DOP&PW allowed all the absorbed BSNL pensioners to have huge financial gain when orders were issued for their pension revision in IDA scale

**7.3** For the last couple of years, we had been discussing the issue of revision of pension with fitment benefit by merger of 78.2% IDA for pre-2007 absorbed BSNL pensioners and also those pensioners who retired between 1.1.2007 and 9.6.2013. The pension revision, which was actually needed only for the pre-2007 BSNL pensioners, unfortunately now also includes the case of the BSNL pensioners who retired between 1.1.2007 and 9.6.2013. A great injustice, in fact, has been meted out to the later group of pensioners, since it should never have been a case for revision of pension for them. It is practically a clear cut case for re-fixation of their pay in revised IDA pay scales w.e.f. 1.1.2007 with fitment benefit by merger of 78.2% in place of 68.8%, as was earlier ordered. It remains the fact that all those employees who were in service on 1.1.2007 were the legitimate beneficiaries of revised IDA pay scales and were also duly allowed to receive the benefit of revised IDA pay scales when DOT issued the orders for pay revision. Subsequently, when the DPE issued another order to allow fitment benefit by merger of 50% IDA effectively amounting to 78.2% IDA in place of 68.8% IDA, as was wrongly ordered earlier, this latest order for revised benefit of pay fixation was equally applicable to all those who were in service on 1.1.2007 including those who retired before 10.6.2013. But surprisingly, those who retired between 01.01.2007 and 09.06.2013 were not allowed the benefit of revised pay fixation w.e.f. 01.01.2007 with fitment benefit by merger of 78.2% IDA. But the other employees who retired on or after 10.06.2013 were allowed the revised pay fixation w.e.f. 1.1.2007. We are to reiterate that since both these groups of employees were in service on 1.1.2007, all should have been treated equally and revised pay fixation granted to all of them on the same day i.e. 1.1.2007. But this did not happen. Stoic silence of the unions/associations of the serving employees on this blatant act of discrimination and the over enthusiastic action by some pensioners' associations to declare that the revised pay fixation order issued by DOT is "notional" made the issue more complex. DOT on its turn took this opportunity and even asked BSNL to confirm whether it was indeed "notional". This gave management a scope not only to deny the arrears of pension to all the affected pensioners but also deprive the benefit of re-fixation of pay with 78.2% IDA as on 01.01.2007 to those who retired between 1.1.2007 and 9.6.2013 and the resultant re-fixation of pension on the date of their retirement.

**7.4** In the context of the above issue, we may also recall that the revision of IDA pay scales w.e.f. 1.1.2007 was first ordered for implementation in BSNL for the Executives only. At that time, the fitment benefit by merger of 68.8% IDA was alone available. But when the non-executives' pay scales were subsequently negotiated and settled, the revised order correcting the effective amount of IDA as 78.2% for the purpose of fitment benefit in revised IDA scales was already issued by DPE. At that time, the Unions which were negotiating revision of pay scales of non-executive employees with the BSNL Management could have very well demanded and pressed for implementation of the revised DPE Order for fitment benefit by merger of 78.2% IDA. But they did not do so. Instead they agreed to get the revised pay fixed only with fitment benefit by merger of 68.8% IDA as per the old order which was already superseded and even agreed to take the benefit of 78.2% IDA merger later as and when the same is

implemented for the BSNL Executives. Notably, BSNL was earning profit then. In the long run, this stand of the concerned unions of the serving non-executive employees proved too costly for all the employees.

**7.5** Again, the Unions/Associations of the serving employees and even other pensioners' associations in BSNL maintained complete silence when the Department of Telecommunications, virtually by changing the terms and conditions of service for absorption, issued Orders in 2014 for payment of pension by the Government to the MTNL employees w.e.f. 1.1.2000 without addressing the issue of pay scales of BSNL Executives. It may be recalled that while calling of option for absorption in BSNL and MTNL, Department of Telecommunications had offered two sets of terms and conditions of service to the erstwhile DOT Officers. The Officers willing to opt for absorption in BSNL were offered **payment of pension by the Government** but with one stage lower IDA pay scales than the scales offered to the MTNL optees. The **MTNL optees**, on the other hand, were allowed one stage higher IDA pay scales over the BSNL optees on the condition that the **payment of their pension would be made only by a Trust**. At that time, the demand for raising the pay scales of the BSNL optees at par with MTNL optees was repeatedly turned down by DOT on the ground that the pension of BSNL optees would be paid by the Government, but in case of MTNL optees the Government will not pay pension to them. Though, DOT has also proposed to achieve pay parity of MTNL and BSNL by bringing down the pay scales of MTNL to the level of BSNL pay scales during next revision, the MTNL optees continue to enjoy Government pension with the benefit of higher pay scales over the BSNL optees for long 17 years and even more. The absorbed BSNL pensioners, therefore, are now worst affected since they will continue to receive lesser pension compared to their MTNL counterparts.

**8.0 Irrational approach by some pensioners' association on important issues:** We find that there is a wide gap in thinking, understanding and approach on pension rules even among the pensioners' associations. While some agree that revision of pension of the retirees from BSNL is to be in IDA pay scale, sometimes their demand leads one to conclude that they have not still reconciled with the fact that the pension revision for absorbed BSNL pensioners was not ordered on presumptive CDA scale. They now say that "our IDA pension should continue". But with the same breath they went on to say that "our pension should be revised with the same fitment benefit suggested by 7<sup>th</sup> CPC". In their words, the pension revision is to be in IDA scale but by application of the fitment benefit as applicable in case of CDA scale. Unfortunately, they forget that this demand goes against the very basic principle for which simultaneous revision of pension of past pensioners consequent to revision of pay scales of the serving employees of the same establishment have been ordered by various judgments of the Supreme Court and then followed for the first time by V Central Pay Commission in its recommendations. In accordance with the court judgments which are now settled law, there should not be any discrimination in respect of the amount of pension received by the retirees based on the date of their retirement. That means that there cannot be any difference in pension amount for the past and present pensioners who were receiving the same pay. That is why the same fitment benefit which is allowed for revision of pay of the serving employees is also made applicable for the purpose of revision of pension of past pensioners also. Now if a different fitment benefit is

allowed to the past pensioners from BSNL and the serving employees of BSNL are ordered a different set of fitment formula, the very foundation behind Supreme Court's judgments and the CPC recommendations from V CPC onwards will be completely defeated. Moreover, to-day one may ask for pension in IDA, but fitment benefit as applicable for revision of pension in CDA scale. To-morrow, such pensioners may also ask for Dearness Relief in CDA or IDA as per their convenience. How far these will survive the test of law/rules? We now quote from an article, which is very relevant in the present context, written by our Joint Secretary (South) Shri S Ratnasubramanian on pension issue which was uploaded in our website on 16.04.2010 when almost similar ideas were floated by some people:-

“Prior to 5<sup>th</sup> CPC the pensioners were not given any fitment benefit or equal fitment benefit which was given to the serving employees for their pay fixation in the revised pay scales. This created a condition that a person retiring in senior rank at the time of 2<sup>nd</sup> or 3<sup>rd</sup> CPC (from 1960 to 1985) got lesser pension than an official of very junior rank to him and retired after 1986. It is TESA (I) which took up this issue with V CPC and asked for one cadre one pension concept. Thanks to the landmark judgments of the SC, the fifth Central Pay Commission recommended that the same fitment formula given to the serving employees should be extended to the past pensioners as well. Not only that, the V CPC recommended that the pension of the past pensioners, at whatever date they might have retired, should be updated at each pay revision date from 2<sup>nd</sup> CPC to 4<sup>th</sup> CPC giving the same fitment formula as was given to the serving employees in the pay revision of each CPC and then be given the fitment formula for 5<sup>th</sup> CPC and their pension revised accordingly. There was also an additional provision that with all the updating, the pension also be subject to 50 % of the minimum of the pay scale of the cadre in which the employee had retired i.e., one cadre one pension concept as pleaded by TESA (I). The Government also accepted the above stated recommendations of the V CPC.”

Our intention here is not to discourage anyone from suggesting new ideas for the betterment of the pensioners. But let us refrain from creating an illusion in the mind of pensioners by suggesting something which are not sustainable under law/rules and may invite more problems than solving the present ones.

**9.0 Unified approach on issues is a far cry:** Though it is ideal in the interest of the pensioners to have unified approach on issues, but this seems never to be a reality – at least not for the present. Even in case of serving employees, this could never be achieved. Differences in perception about rules, priorities, majority-minority concept, allowing political ideologies to govern one's approach always create some inner divisions which cannot be cemented. We know that even in the case of most of the pensioners' welfare associations, specific political ideologies become the driving force for their creation. We also know how the associations differ widely in explaining the rules governing pension and their approach to find solution to those problems. We had bitter experience in the matter of revision of pension in CDA/IDA pattern, implementation of the revised fitment benefit by merger of 78.2% IDA for the pensioners and also even for a section of the employees who were very much in service on 1.1.2007, giving extra benefit to the MTNL optees about payment of pension over the BSNL optees after the absorption process was over and many others. When one association openly

declares that “PRC is only for the Executives, 90% of BSNL retirees are those who retired from non-executive posts. Hence, PRC will not give any benefit to 90% of BSNL retirees. We do not favour PRC report for our pension revision”, the seed of discord seems to be already sown. Further, if PRC is only for the Executives, how the recommendations of 2<sup>nd</sup> PRC on fitment benefit in pay scales of the serving employees was demanded to be implemented in totality for revision of pay scales of the serving non-executives during last pay-negotiations? How the HRA etc as recommended by PRC were also got implemented for non-executive employees also ? Why the Union negotiating the pay revision of non-executives insisted for pay negotiation only after 10 years in the line of PRC even though the administration offered pay negotiation after every five years? We have no problem when one says that “We do not favour PRC report for our pension revision”. We say so, because PRC does not give any recommendation on revision of pension of the absorbed BSNL pensioners since it is beyond its scope. But as pensioners, we are interested in PRC since without revision of pay of the serving employees, we shall not get revision of our pension. Moreover, we have also got an interest on the fitment benefit for pay fixation of the serving employees, since it will become the fitment formula for our pension revision. Moreover, how the pensioners’ welfare associations advocating for unity can say that the interest of 10% pensioners is of no value? Thus unless our mindset is changed, outlook becomes broader, rules/laws are given due considerations and we rise above political compulsions, the call for united approach will be a call in paper only. Unity of heart and soul alone may help in having unified approach.

**11.0 Response from Ministries/Departments on our representations** : We have already given some ideas about the constraints and limitations through which the pensioners’ welfare associations are to function. Despite these limitations, AIBSNLREA left no stone unturned to study the issues and take up those with the concerned authorities. The issues which were taken up by us ranges from policy decisions, modifications, explanation and implementation of rules/orders to even individual cases. So far as this Association is concerned, it received satisfactory response from different Government Departments and other agencies. Its communications were mostly replied and the issues taken up were also duly addressed. We can say with great satisfaction that the association not only got many policy decisions modified in favour of the pensioners but also could resolve many common and old individual problems of the members. Still some issues remained unresolved.

**11.0 Common and BSNL specific welfare issues for the pensioners:** During the last few years, a number of orders have been issued having impact on pension related matters and other issues concerning all the pensioners including those from BSNL drawing pension under CCS(Pension) Rules 1972. In addition, there are some orders issued by DOT and BSNL on different issues which had their own impact on BSNL pensioners. We may sum up some of those issues.

**11.1 Changes in the provisions of CCS (Pension) Rules:** Following acceptance of VI CPC recommendations, the Government brought in a few major changes in the Pension Rules which equally benefitted the absorbed BSNL pensioners also:

**(1) Fixation of pension of new retirees:** Earlier, pension of new retirees was being fixed on 50% of the average of last 10 months emoluments. But now the pension has been allowed to be calculated at 50% of emoluments (pay last drawn) or average of emoluments (received during the last 10 months) whichever is more beneficial to the employee.

**(2) Increased pension ordered for senior pensioners :** The quantum of pension/family pension available to the old pensioners/family pensioners has been ordered to be as follows:

<i>Age of pensioners/family pensioners</i>	<i>Additional quantum of pension/family pension</i>
From 80 years to less than 85 years	20% of revised basic pension/family pension
From 85 years to less than 90 years	30% of revised basic pension/family pension
From 90 years to less than 95 years	40% of revised basic pension/family pension
From 95 years to less than 100 years	50% of revised basic pension/family pension
100 years to more	100% of revised basic pension/family pension

**(3) Maximum limit of all kinds of Gratuity increased:** The maximum limit of all kinds of gratuity has been raised from Rs. 3.5 lakh to Rs 10 lakh. Accordingly, first proviso under Rule 50 of Pension Rules has been modified to the extent that the amount of retirement gratuity or death gratuity payable under this rule shall in no case exceed Rs. 10 lakh.

**(4) Family pension enhanced:** Family pension has been ordered to be calculated at a uniform rate of 30% of basic pay in all cases and subject to a minimum of Rs. 3500/- p.m. and maximum of 30% of the highest pay of the Government. The enhanced family pension under Rule 54(3)(a)(i) shall be payable to the family of a Government servant who dies in service from the date of death of the Government servant for a period of ten years, without any upper age limit.

**(5) Linkage of full pension with 33 years of qualifying service dispensed with:** Orders were also issued allowing full pension on competition of qualifying service of twenty years, pension being calculated at 50% of the emoluments (last drawn) or average emoluments received during the last 10 months, whichever is more beneficial to him. This benefit was initially allowed w.e.f. 2.9.2008 vide DOP&PW OM No. 38/37/2008-P&PW(A) dated 2.9.2008. But subsequently, the benefit was extended w.e.f. 1.1.2006 vide DOP&PW OM No. 38/37/2008-P&PW(A) dated 10.12.2009. In case of absorbed BSNL Pensioners, DOT has allowed implementation of the said OMs vide its No. 40-31/2008-Pen(T) dated 16.8.2010 after lots of persuasions and only after obtaining a clarification from Department of Pension & Pensioners Welfare. Now in compliance of Court judgment, Department of Pension & Pensioners' Welfare, vide its OM No. 38/37/08-P&PW(A) dated

06.04.2016, has issued orders for delinking of revised pension from qualifying service of 33 years for revision of pension of pre-2006 pensioners also.

**(6) Pension on completion of 10 years of qualifying service:** Orders were also issued stating that 'In cases where Government servant becomes entitled to pension on completion of 10 years of qualifying service in accordance with Rule 49(2) of the CCS (Pension) Rules, 1972, pension in those cases shall also be paid at 50% of the emoluments (pay last drawn) or average emoluments (received during the last 10 months) , whichever is more beneficial to the Government servant.'

**(7) Table of Commutation Value for Pension modified:** Government also accepted the VI CPC recommendation to introduce a revised table of Commutation Value for Pension in place of the existing one. The commutation factor which was 9.81 according to old table has now been changed to 8.194 in the revised table. In respect of those retiring between 1.1.2006 to 1.9.2008 (both days inclusive), it was ordered that in those cases which have not become absolute as on 2.9.2008, the new table shall be made applicable with prevalent pay scale as on date of retirement. But in cases which have already become absolute, the additional amount of pension due to revision of pay shall be commuted in accordance with new rules. However, for those retiring on or after 2.9.2008, the new commutation table was ordered to be made applicable with prevalent pay scale as on the date of retirement.

**11.2. Orders for applicability of amended Pension Rules for absorbed BSNL Pensioners:**

Doubts were being raised not only by the administration, but also from serving employees and some pensioners' associations about the applicability of amended pension rules following acceptance of VI CPC recommendations by the Government of India. Doubts were also raised whether the amended Rules made applicable w.e.f. 1.1.2006 would also be implemented w.e.f. 1.1.2006 for the BSNL pensioners. But we had been very firm from the day one that since our pension is being paid under CCS (Pension) Rules 1972, all the relevant pension rules as amended from time to time are equally applicable to absorbed BSNL pensioners. In our website, we had uploaded many articles on the subject to dispel the doubts in the mind of the pensioners and other unions/associations. A series of communications were also addressed by our Association to the Department of Telecommunications and Department of Pension & Pensioners' Welfare for issue of orders to implement all the amended rules for the absorbed BSNL pensioners w.e.f. 1.1.2006. DoT first referred the matter to Department of Pension & Pensioners' Welfare seeking clarification on the issue and thereafter issued an Order, vide its No. 40-31/2008-Pen (T) dated 4/15.5.2009, stating that the amended rules of pension calculation as per 6<sup>th</sup> CPC with regard to ceiling limit of DCRG, Commutation table, emoluments, qualifying service etc shall be applicable to the IDA pensioners of BSNL w.e.f. 1.1.2006. But some field units sought further clarifications on this Order which prompted the Department of Telecommunications to issue another detailed clarification vide its No. 40-31/2008-Pen (T) dated 12.8.2009. Thus the Association could help all those pensioners who retired even during

the period from 1.1.2006 to 31.12.2006 to get revised pension fixation, enhanced Gratuity and benefit of Commutation Value of Pension on the additional amount of pension.

**11.3 Revision of pension/family pension of pre-2007 BSNL pensioners:** Following acceptance of 2<sup>nd</sup> Pay Revision Committee Report on revision of IDA pay scales, pay-fixation and other allowances etc, the Department of Public Enterprises vide its OM No. 2(70)/08-DPE (WC)-GL-XVI/08 dated 26.11.2008 issued an order for revision of pay scales and other issues for the Board level and below Board level Executives and non-unionized supervisors in the CPSEs. In this Order, pay fixation in revised IDA pay scale was ordered allowing fitment benefit of 30% on pay plus 68.8% IDA DA. Department of Telecommunication, in its turn, based on DPE Orders, issued its own orders for revision of IDA pay scales for the Executives of BSNL vide its No. 61-01/2009-SU dated 27.02.2009. Accordingly, BSNL issued orders on 5<sup>th</sup> March 2009 for revision of the IDA pay scales of the all the Executives of BSNL – thus creating a condition for immediate revision of pension of the pre-2007 BSNL Executives.

As we have already mentioned, at that very moment the ITS Officers were demanding ‘payment of pension and its revision on CDA pattern’ and the Union/Association leadership participating in meetings with Secretary (T) and thereafter with CMD, were informed of this development by the Management, but they did not oppose this. Rather, they expressed their solidarity with the Officers. Since DOT had already moved a case for revision of pension on presumptive CDA pay with DOP&PW, Ministry of Expenditure and Ministry of Law, the issue became disputed as AIBSNLREA strongly protested against the move and demanded revision of pension only on IDA pay scale. Quite naturally, Department of Telecommunications was not found favourable to our demand which prompted us to approach Ministry of Law (Department of Legal Affairs) and Department of Pension & Pensioners’ Welfare. We also had a few rounds of informal discussions with the concerned Officers in those Departments. Finally, our relentless efforts bore fruits and Department of Pension & Pensioners’ Welfare informed DOT that pay revision of the IDA pensioners of BSNL have to be only in IDA pay. By this time, the revised IDA scales for the non-executive employees of BSNL were also ordered.

Thereafter, Department of Telecommunications moved a Cabinet Note for revision of pension of the pre-2007 absorbed BSNL pensioners. The approved Note, when it reached Cabinet Secretariat, was returned back on the ground that it was too lengthy. DOT had to re-write the Cabinet Note and re-submit the same to the Cabinet Secretariat. This time, the Cabinet approved the proposal and the DOT, in turn, issued the necessary Orders, vide its No. 40-17/2008-Pen (T)-Vol.III dated 15.3.2011, for Revision of pension of pre-2007 pensioners/family pensioners of BSNL. Thus, it took two long years to get the orders for pension revision released after the orders for revision of pay scales of the serving employees was ordered. However, implementation of the Order took much longer time and in many places our members offered their services to get the cases processed. Our Joint Secretary (South) Shri S Ratnasubramanian also devised one Pension Calculator which was hosted in our website to help the pensioners to know their revised pension, amount of arrears etc.

**11.4 Further revision of pension/family pension of pre-2007 BSNL pensioners with fitment benefit by merger of 50% DA effectively amounting to 78.2% DA in place of 68.8%** : Following acceptance of the Report of the Committee of Ministers by the Government, constituted at the direction of the then Prime Minister, the Department of Public Enterprises vide its No. 2(70)/08-DPE(WC)-GL-VII/09 dated 2.4.2009 issued orders stating, among other things, that the benefit of merger of 50% DA with basic pay w.e.f. 1.1.2007, effectively amounting to 78.2%, would be allowed for the purpose of fitment and pay fixation in the revised pay scales. This called for further re-fixation of pay of the BSNL employees in their revised pay scales who were in service on 1.1.2007 and also revision of pension of the pre-2007 BSNL pensioners/family pensioners. But BSNL Management was not ready to implement the said order on the plea of bad financial position of the company and DOT also did not issue the much needed Presidential directive. But finally, the Unions/Associations agreed with the proposal of BSNL Management to get the said DPE Order implemented from the date of issue of Presidential directive and to defer payment of arrears till the financial condition of the company improves. Thereafter, Department Telecommunications issued the Presidential directive vide its No. 61-01/2012-SU dated 10.06.2013 allowing the benefit of merger of 50% DA effectively amounting to 78.2% as on 1.1.2007 for the purpose of fitment in respect of the Board level & below Board level executives and Non-Unionised Supervisors and non-executives of BSNL. It was also clearly stated in the Presidential directive that 'no arrears will be paid' and the revised fitment will be paid with prospective effect only. Even though the Presidential Directive was against the spirit of the agreement between BSNL Management and the Unions/Association and also the CMD BSNL further clarifying the position to Secretary (Telecom), no response came from the DOT. The Unions also reconciled with the position. BSNL on its part allowed the benefit of revised pay fixation w.e.f. 1.1.2007 only to those who remained in service after 9.6.2013 and not to those who retired before 10.6.2013, even though all the employees who were in service on 1.1.2007 and got the benefit of revised IDA pay scales were eligible to get the benefit.

After a lot of dilly-dallying and amidst a controversy raised by some pensioners' association calling the orders for re-fixation of pay as 'notional', finally a case has been processed for revision of pension of both pre-2007 absorbed BSNL pensioners and those who retired between 1.1.2007 and 9.6.2013. Initially, the proposal was made mainly for revision of pension by applying the fitment benefit by merger of 78.2% and the draft Cabinet Note was even got approved by Department of Expenditure and other Departments. In fact DOE communicated its approval vide its No. 582/E.V/2014 dated 15.10.2014. But subsequently, the disputed issue of sharing of pension liability between DOT and BSNL on 60:40 ratio became part of the revised Cabinet Note. It took almost one and half years since then to prepare and finalize the modified Cabinet Note in which both revision of pension and issue of sharing of pension liability have been addressed. But here also, some people contributed in its further delay by approaching the Secretary(T) at the last moment when the proposal was on its way to MOC&IT to obtain his approval and demanding inclusion of the case of MTNL pensioners. Here, AIBSNLREA had to intervene when their demand was being examined and tell the DOT that MTNL pensioners have no case, since benefit of merger of 78.2% IDA has not been extended even to the serving MTNL employees. Anyhow, after crossing many hurdles, the Cabinet Note seeking approval of the Cabinet on the proposals of DOT has finally reached the Cabinet Secretariat on 17<sup>th</sup> June, 2016.

**11.5 Merger of 50% of Dearness Allowance with basic pay to the employees on IDA scales of BSNL w.e.f. 1.1.2007:** In terms of Department of Public Enterprises OM No. 2(7)/2005-DPE(WC)-GL-III dated 26.02.2008 and approval of DOT conveyed vide DOT No. 79-38/2006-SU dated 1.5.2008, BSNL issued an Order vide its No. 14-3/2008-PAT(BSNL) dated 29.5.2008 for Merger of 50% of Dearness Allowance (DA) with basic pay to the employees on IDA scales of BSNL w.e.f. 1.1.2007. In this Order, the case of pre-2007 BSNL pensioners was not included, though the DOP&PW Ordered simultaneous merger of 50% DA to both the serving Government employees and the pensioners. Aggrieved by this, we represented both to BSNL and DoT against this discrimination and followed it up with other departments like DPE, DOP&PW etc. Finally, the BSNL Board agreed to extend the benefit to the pre-2007 BSNL pensioners and accordingly sent a proposal to DOT for its approval. But by this time, the DPE had already issued Orders for revision of pay scales of the Executives of the CPSEs and the finally DOT also did not approve the proposal.

**11.6 Sorting out the problems faced by post-2007 IDA pensioners who received the benefit of merger of 50% DA with basic pay w.e.f. 1.1.2007 in regard to application of old and new commutation table for calculation of Commuted Value of Pension:** A large number of post-2007 BSNL pensioners, who were earlier granted the benefit of merger of 50% IDA as on 1.1.2007 with basic pay, faced some problems in regard to applicability of old and new commutation table for the purpose of calculation of their Commuted Value of Pension. As a result, they received less amount as Commuted Value of Pension due to wrong application of old and new commutation table. We received several representations from the affected pensioners and took up the matter with the DOT. The field Units also sought various types of clarifications. All these issues were duly examined in DOT and four categories of affected pensioners were identified for whom detailed guidelines were issued vide F.No. 40-16/2012-Pen (T) dated 10.06.2013 and thus resolving their problems.

**11.7 Entitlement of retirement benefits for the period of service in Government to the absorbed employees in BSNL if dismissed/removed from service :** Doubts were raised by BSNL about the entitlement of retirement benefits for the period of service in Government to the absorbed employees in BSNL if dismissed/removed from service and accordingly it sought for clarification from Department of Telecommunication. DoT on its part had clarified to BSNL vide its No. 318-12/2008-Pen(T) dated 21.7.2009 that "As per sub-rule 24(C) of Rule 437A of CCS(Pension) Rules, 1972, the absorbed employees of BSNL are entitled for retirement benefits for the period of service rendered under the Govt. even if they are dismissed/removed from service for any misconduct during service in BSNL.

**11.8 Revision of provisional pension sanctioned under Rule 69 of CCS (Pension) Rules 1972:** In absence of any clear order about revision of provisional pension sanctioned under Rule 69 of CCS (Pension) Rules, 1972 in respect of pre-2007 BSNL IDA pensioners, difficulties were being experienced by those under suspension and/or against whom departmental/judicial proceedings were pending at the time of retirement. Based on the representations received from a few of such affected persons, we took up the case with DOT. Finally, DOT issued an OM

vide its F.No. 40-3/2009-Pen(T) dated 11.07.2013 stating that the provisional pension in respect of pre-2007 IDA scale BSNL pensioners sanctioned under Rule 69 of CCS(Pension) Rules, 1972, will be revised in terms of the DOT's OM No. 40-17/2008-Pen(T)-Vol.III dated 15.03.2011 as clarified/modified from time to time. This resolved their problem.

**11.9 Grant of pension to the BSNL absorbees who took VRS on completion of 10 years of qualifying service but less than 20 years** :

Even after orders were issued for implementation of various recommendations of VI CPC on pension related issues, the DOT employees who took absorption in BSNL and subsequently took VRS after completing 10 years of qualifying service but less than 20 years were being denied full pension. The matter was taken up by the Association with Secretary (Telecom) stating that DoT in its letter No. 40-31/2008-Pen(T) dated 16.8.2010 on the issue of applicability of full pension for 20 years service to the absorbed BSNL employees failed to take note of the provision made in Para 5.3 of DOP&PW OM No. 38/37/08-P&PW(A) dated 02.09.2008 as further amended vide OM No. DOP&PW OM No. 38/37/08-P&PW(A) dated 10.12.2009 extending the benefit of full pension to those completing 10 years of service provided they are eligible for pension under Rule 49/2 of CCS (Pension) Rules 1972. We also submitted a copy of the Order issued by Railway Board on the same issue and also clarifying that the order is applicable in case of permanently absorbed employees in PSUs/Autonomous Bodies also.

DOT, on its turn, referred the matter to DOP&PW and finally issued the much needed clarification vide its No. 40-08/2011-Pen (T) dated 8.7.2011 which allowed the BSNL absorbees who took VRS on completion of 10 years of qualifying service but less than 20 years also to get benefit of full pension.

**12.0 Salient points in VII CPC Report:** The Seventh Central Pay Commission submitted its Report to the Government on 19.11.2015. This has already been examined by an expert committee appointed by the Government and the decision on the recommendations have also been taken by the Government. Now the Orders are to be issued shortly for implementation of the recommendations. Rate of annual increment for the CG employees has been retained at three percent as at present. Insured amount in Group Insurance Scheme has been recommended to be raised substantially. Health Insurance Scheme has also been proposed for both the serving and retired employees In case of the pensioners, maximum limit of Gratuity has been raised to Rs 20 lakhs. Whenever the Dearness Allowance reaches 50%, this limit will increase by another 25%. The other recommendation that may make the pensioners happy is about pension formulation on the line of One Rank One Pension implemented for Armed Forces. The recommendations of the Pay Commission on gratuity and Pension Formulation are reproduced below:

(1) **Enhancement in the Gratuity ceiling and its indexation:** The Commission recommends enhancement in the ceiling of gratuity from existing Rs 10 lakhs to Rs 20 lakhs from 1.1.2016. The Commission further recommends, as has been done in other cases of allowances, that are partially indexed to Dearness Allowance, the ceiling on gratuity may increase by 25 percent whenever DA rises by 50 percent.

(2) **Rationalization of Death Gratuity: The Commission, after examining the matter, recommends the following revised rates for payment of death gratuity:**

<i>Length of service</i>	<i>Rate of Death Gratuity</i>
Less than one year	2 times of monthly emoluments
One year or more but less than 5 years	6 times of monthly emoluments
5 years or more but less than 11 years	12 times of monthly emoluments
11 years or more but less than 20 years	20 times of monthly emoluments
20 years or more	Half month of emoluments for every complete six monthly period of qualifying service subject to a maximum of 33 times of emoluments.

(3) **Pension formulation:**

- (i) All the civilian personnel including CAPF who retired prior to 1.1.2016 (expected date of implementation of the seventh CPC recommendations) shall first be fixed in the Pay Matrix being recommended by this Commission, on the basis of the Pay Band and Grade Pay at which they retired, at the minimum of the corresponding level in the matrix. This amount shall be raised, to arrive at the notional pay of the retirees by adding the number of increments he/she had earned in that level while in service, at the rate of three percent. Fifty percent of the total amount so arrived at shall be the revised pension.
- (ii) The second calculation to be carried out is as follows. The pension, as had been fixed at the time of implementation of the VI CPC recommendation, shall be multiplied by 2.57 to arrive at the alternate value for the revised pension.
- (iii) Pensioners may be given the option of choosing whichever formulation is beneficial to them.

Many of the above recommendations, specially on pensionary benefits, if and when accepted by the Government will certainly have impact on absorbed BSNL pensioners since both the Central Government pensioners and absorbed BSNL pensioners are covered under the same CCS (Pension) Rules, 1972.

**12.1 VII CPC accepts AIBSNLREA's submission for increasing gratuity at regular intervals:** AIBSNLREA had also submitted a memorandum to VII CPC, but only on "Pension Matters". On the issue of 'Gratuity', the Association had submitted that :

"The Retirement Gratuity is calculated as 0.25 times of Pay+DA for every completed six months' of service with a maximum of 16.5 times of Pay+DA. This is now restricted to a maximum limit of Rs. 10 lakhs.

*The Hon'ble Sixth Central Pay Commission had opined that the limit of gratuity should be such that all employees barring those in top grades are able to get full benefit of gratuity payable as per the given formula. Keeping this in view, it is the Hon'ble Sixth Central Pay Commission which had recommended the ceiling of gratuity as Rupees ten lakhs only.*

To maintain the same position of full benefit in respect of the grades that were given full benefit as on 2006, it is requested to consider to raise the present ceiling limit of gratuity to Rupees 30 lakhs. During the interim period of the next CPC due to increase in DA, the grades which got full benefit as on the year of implementation of CPC, do not get full benefit after a few years. Hence to maintain the same position, it is requested that Hon'ble Seventh CPC may also kindly recommend for a periodical review of the ceiling of gratuity at least once in five years."

Now, we are happy to say that not only the VII CPC has recommended for raising the ceiling limit of gratuity to Rs 20 lakh but also has accepted the submission of the Association for periodical review of ceiling limit due to increase in DA and recommended that "the ceiling on gratuity may increase by 25 percent whenever DA rises by 50 percent".

This should be an eye opener to those who believe that without the help of a third party or a Federation, the voice of the smaller associations do not reach the Commission.

### **13.0 Other important Issues :**

**13.1 Anomaly in pension of the BSNL pensioners retired within 10 months of their absorption:** We have been pursuing a case for removal of anomaly in pension of some BSNL pensioners who retired within 10 months of their absorption for quite a long time. There are about 4320 such cases in BSNL belonging to different cadres. Since pension was fixed for them taking into average of last 10 months pay, parts of which are CDA and part in IDA, they received less pension compared to others who had their last 10 months pay only in IDA scale. The matter was taken up both with DOT and DOP&PW. In order to resolve the issue, we first proposed to allow pension fixation on one's last month's pay as has been made applicable to post 2006 Government/BSNL employees covered under CCS (Pension) Rules, 1972. But DOP&PW, vide its No. 38/6/10-P&PW(A) dated 11.08.2011, conveyed to us that it had consulted Department of Expenditure and no change in the said order for revision of pension to pre-2006 pensioners is

required to be made. Meanwhile, some BSNL Pensioners' Associations in their websites had reported that the above anomaly concerning the BSNL pensioners have been settled. No doubt, DoT issued an Order vide its No. 40-10/2005-Pen(T) dated 27.09.2011 on the above subject in respect of BSNL Pensioners who retired within ten months of their absorption informing all concerned to implement an old decision of the Government which is effective from 1.1.1996, according to which the pensioners are to get minimum pension as not less than 50% of the minimum pay in the revised scale. Thus, this was not a new decision and also does not give the desired relief to the BSNL pensioners who retired within ten months of their absorption.

Since the issue was far from resolved, the Association suggested that the said anomaly be removed by adopting a similar approach as available in DOP&PW OM F No. 45/86/97-P&PW(A)-Part-I dated 18.09.1999 for removal of an anomaly which was noticed during implementation of the V CPC recommendation. In the instant case, the CDA pay for the months prior to October 2000 forming part of 10 months average pay may be fixed notionally in the IDA pay by giving point to point fixation as was applied while fixing the CDA pay to IDA pay in October 2000. The notional IDA pay so fixed for the months prior to October 2000 forming part of 10 months average pay and the IDA pay from October 2000 till the date of retirement of the affected absorbed BSNL employees may be taken for calculating average pay for the purpose of fixation of pension. This suggestion is still under process and no decision has so far been communicated. Meanwhile, this issue is being discussed as an item in agenda in the meetings of Standing Committee of Voluntary Agencies (SCOVA) since last few years.

**13.2 Non-implementation of the benefit of pay fixation in terms of Para 4 of DOP&PW OM No. 4/18/87-P&PW(D) dated 5.7.1989 as offered to the Group C Employees of DOT:** At the time of calling of option for absorption in BSNL, the Group C Employees of DOT were also offered by Department of Telecommunication the benefit of pay fixation in terms of Para 4 of DOP&PW OM No. 4/18/87-P&PW(D) dated 5.7.1989 and thereby to retain CDA pay scale till promotion or retirement whichever is earlier. But it is regretted that Department of Telecommunication is yet to extend the benefit as per its own commitment though 15 long years have already passed. This has adversely affected the pay/pension of the concerned employees. This issue need not be seen as an issue restricted to Group C employees. Many of them on promotion became Executives and some of them on their retirement became the members of this Association. It may be recalled that in case of the Group B Officers also, DoT was reluctant to extend the same benefit to them as offered in the terms and conditions of service for absorption. However, in that case DOT was forced to implement the said offer in view of court orders but with some riders. DOT is neither implementing the said offer made to Group C employees while calling of option for absorption nor rejecting the demand. The Association, on its part, has not given up the issue and is continuously taking up the matter.

**13.3 Pay fixation of Executives on promotion and consequent re-fixation of pension of post 2007 retirees in executive cadres:** While conveying the decision of the Government on the recommendations of the 2<sup>nd</sup> Pay Revision Committee, DPE vide its OM No.2 (70)/08-DPE (WC) dated 26.11.2008 had stipulated that, while fixing pay on promotion for an Executive, “One notional increment **equal to the increment being drawn by the executive in the pay scale, before such promotion** would be granted and pay fixed in the promoted pay scale and rounded off to the next multiple of Rs.10.” BSNL implemented this stipulation in respect of its Executives. Whereas in respect of non-executives, according to BSNL letter No. 1-16/2010-PAT (BSNL) dated 07.05.2010, “... On promotion, **one notional increment equal to 3% of the existing basic pay** rounded off to the next multiple of Rs.10 was granted and pay fixed in the promoted pay scale.”

After one of the Executives’ Associations i.e. AIBSNLOA continuously pursued the issue, BSNL vide its letter No.1-05/2015-PAT (BSNL) dated 19.1.2016 conveyed DoT’s clarification that the notional increment @ 3% of the existing basic pay may be granted for fixation of pay on promotion of the Executives. But BSNL, while implementing the said DOT order, allowed this benefit notionally w.e.f. 1.1.2007 and actually from 6.1.2016. The same Executives Association again raised the issue with BSNL for extending the benefit actually from 1.1.2007. Finally, BSNL issued orders vide its letter No.1-05/2015-PAT (BSNL) dated 4.4.2016 allowing the fixation from 1.1.2007 on actual basis.

In many circles, the Executives got their pay fixed on promotion giving a notional increment equal to the increment drawn by the executive, thereby drawing roughly 0.1% less on every subsequent increments. This accumulated on every subsequent promotion and hence affected the pensionary benefits though marginally. In a few circles, where fixation was initially done with notional increment @ 3% of the existing basic pay, re-fixation was done subsequently and recoveries were made. Now that orders have been issued straightening the position, all the post 2007 pensioners who were granted post based or time bound promotions, are to be benefitted both in terms of their pay fixation and pension fixation. All the affected pensioners who retired after 1.1.2007 and falling in one of the above two categories may, therefore, submit their representations and pursue the matter with the Circle Administration and the Circle CCA concerned for revised pay fixation with arrears and also for revised fixation of pension along with arrears.

**13.4 Restoration of seniority of SDEs (T) as per seniority lists I to XVII drawn in 1993 and thereafter:** Following a Supreme Court direction on 21.01.2015, BSNL had issued tentative revised Seniority Lists No 1 to 17 of the TES Group B Officers based on the principle of Para 206 of P&T Manual Volume-IV which was once relied upon by Allahabad High Court for promotion and re-fixing seniority of S/Shri P N Lal and Brij Mohan. BSNL had also asked the Circles to furnish the missing information in these lists in respect of some of these Officers in order to incorporate them in the final revised seniority lists. We had also informed through our website that Supreme Court further ordered constitution of a two member Expert Committee with Justice Shri K.Ramamoorthy, retired judge of High Court of Madras as its Chairman. The Expert Committee was to suggest the way out for balancing the rights of the two groups of employees

whose grievances are to be addressed with minimum disturbance in the matter of fixation of their seniority and allowing consequent promotions. The Committee, on its part, heard all the stake holders. AIBSNLREA also had submitted its view points to the said Committee, though the Association was not a party in the case. The case was last heard on 17.2.2016 and the Hon'ble Supreme Court of India allowed three weeks time for submission of objections by any party. The final order of the Hon'ble Supreme Court of India, however, is still awaited.

**13.5 Concessional Broadband facilities to the retired BSNL employees** : The Association had been consistently pursuing with BSNL Management from time to time to get concessional Broadband facilities to its retired employees. In the process, during the last couple of years some orders were issued in this regard. Some of these orders are as follows:-

BSNL No.2-06/2005 -PHA dated 3.6.2011	Provision of concessional Broadband facility to below JAG level employees in BSNL at their residence.	60% discount in rentals for residential broadband connection under limited Plan of Rs.250 to BSNL serving employees extended to below JAG level BSNL employees extended to all Plans.
BSNL No.2-06/2005-PHA (Pt) dated 27.6.2012	Provision of concessional Broadband facility to below JAG Level BSNL retired employees at their residence	60% discount in rentals for residential broadband connection to BSNL serving employees extended to below JAG level retired BSNL employees.
BSNL No.2-06/2005-PHA (Pt) dated 22.3.2013	Extension of facility of concessional Broadband connection to above JAG level BSNL retired employees at their residence.	Concessional broadband connection to below JAG level BSNL retired employees at their residence extended to above JAG level retired officers.
BSNL No.3-2/2013-R&C [CFA] dated 6.3.2014	Special discount scheme for serving/retired employees of BSNL under EVDO and NIC postpaid data plan.	Introduction of Special discount scheme @ 10% on usage and FMC serving / retired employees of BSNL on EVDO and NIC postpaid data plans.

**13.6 Timely release of Industrial Dearness Relief to the pensioners** : At one point of time, number of complaints were being received for non-releasing Dearness Relief to the pensioners even after issue of the Orders by DPE. In many cases, it took months to endorse the orders by DOT and the CCAs were also expressing their helplessness in the matter. The pension disbursing authorities also used to take longer time to act on them. The matter was vigorously pursued with Department of Telecommunications which finally issued Orders vide its No. 36-04/2008-Pen(T) dated 24.11.2010 stating that "It has come to the notice of this office that orders for releasing Dearness Relief on IDA pattern are not being regularly received in the various offices of CCA, resulting in delay in payment of Dearness Relief to pensioners. The matter has been

considered in this office and it has been decided that CCAs may download these orders from DPE website and act accordingly.” Thus a long pending problem of the absorbed BSNL pensioners was resolved.

**13.7 Introduction of Aadhar based Digital Life Certificate system and seeding of Aadhar Card with Pension Accounts:** The Government has introduced Aadhar based Digital Life Certificate system for the Pensioners from November, 2014. Under this system, one need not present himself in the Bank/Post Offices to submit one’s Life Certificate. Linking of Aadhar Card with pension accounts are now being carried out. However, it was pointed out that the Post Offices are lacking in this respect and instructions have already been issued to expedite the matter.

**13.8 Constitution of 3<sup>rd</sup> Pay Revision Committee for the CPSE Executives :** Government has already announced constitution of 3<sup>rd</sup> Pay Revision Committee in order to review and revise the existing structure of emoluments of the CPSE Executives. Justice Satish Chandra (Retd) is the Chairman of the Committee. Shri Jugal Mahopatra, Ex-IAS Officer, Prof. Manoj Panda, Director, Institute for Economic Growth and Shri Shailendra Pal Singh, Ex-Director (HR), NTPC Ltd are the Members of the Committee. Secretary, DPE is the Ex-officio Member of the Committee and Jt.Secretary/Addl.Secretary, DPE is the Member Secretary. While finalising its report, the Committee will also take into account the report of the VII Pay Commission. The Committee is to make its recommendations to the Government within a period of six months from the date of its constitution. The decision of the Government on the recommendations of the Committee is to take effect from 1.1.2017.

**14.0 Medical Facilities:** There is no denial that the Medicare facilities offered by BSNL to the pensioners is far from satisfactory. In case of indoor treatment, panel of hospitals approved by the Circles does not include the names of adequate number of reputed hospitals. Facilities for cashless treatment, though agreed upon, are being denied by the hospitals since the concerned BSNL Units delay their payment. Non-availability of funds is being cited as the cause for delay in settlement of bills. But ultimately, the pensioners taking treatment in these hospitals do suffer including those who are forced to seek treatment by making payment of their own and then claim for reimbursement. In case of outdoor treatment, ever since the facility of medical allowance was withdrawn, many pensioners are facing difficulties. In a nut shell, the medical facilities being offered to the pensioners by BSNL need a revamp. The Association had been taking up the issues with the BSNL Management from time to time. Though a few issues have been addressed, majority of them are yet to be taken care of. We are covered under BSNLMRS managed exclusively by BSNL. Its smooth running and improvement also depend on the capacity of BSNL to pump in more Fund on Medicare head. But given the unsatisfactory financial position of BSNL, we can hardly expect a miraculous change in the present condition. Therefore, an alternative arrangement needs to be found out so that dependency on BSNL can be reduced. In this context, the option to have CGHS facilities, Health insurance Scheme etc have got their own importance. During this period, some orders have also been issued by BSNL which helped the pensioners to a great extent. A few of these important decisions are as follows:

**14.1 Financial limit for reimbursement of outdoor treatment with voucher:** After implementation of revised IDA pay scales w.e.f. 1.1.2007 in BSNL, the limit for reimbursement of expenditure on outdoor treatment for the retired employees was ordered to be revised vide BSNL/Admn.I/14-15/09 dated 22.10.2009 where in status quo was ordered to be maintained in respect of pre-2007 retirees i.e. there was no change in regard to calculation of limit for them. However, in respect of post-2007 and whose pay was revised as per 2<sup>nd</sup> PRC, the annual limit of reimbursement of expenditure on outdoor treatment was restricted to 25 days of last pay drawn before retirement (revised basic pay + DA). Anyhow, a wide gap in the upper limit for reimbursement of claims for outdoor treatment with voucher between the post-2007 and the pre-2007 absorbed BSNL pensioners was noticed. Even earlier to this, the Association had been pleading with management to allow the DA as applicable in the month of April for the financial year for which the claims pertains to, instead of DA as applicable in April of the year in which one retired, to be the component, to decide the higher limit. Finally, BSNL came out with an order, vide its No. BSNL/Admn.I/14-2/09 dated 8.9.2010, agreeing to our request to consider the DA as applicable in the month of April of the financial year for which the claim is made to be added with basic pay to determine the higher limit for reimbursement. The order also offered two sets of option to both the pre-2007 and post-2007 retirees to chose. This helped a lot in getting a reasonable hike in upper limit for reimbursement on year to year to basis. The BSNL Management, after issue of the above Order, also replied this Association about the action taken to address the problem of the pensioners on the issues taken up by the Association vide its No. BSNL/Admn.I/14-2/20 dated 5.10.2010.

**14.2 Withdrawal of Order for provision of medical claim without voucher for outdoor treatment:** In the background of stated financial crisis, BSNL had withdrawn a number of facilities from its employees vide its No.7-8/2010/EF/Part/I dated 5.9.2011 which also includes provision of medical claim without voucher for outdoor treatment. This decision affected the BSNL pensioners also. Demand was raised to restore the benefit or at least allow the pensioners to avail the benefit. After a great deal of persuasion, BSNL Management agreed to consider the request to extend the benefit only to the pensioners. Some data was also asked for from the Circle Offices. But a large number of Circles failed to supply the requested information. We collected a list of the Circles which were found wanting and even uploaded the details in our website and invited all to get those Circles send the information at the earliest. Unfortunately, the effort was not successful. The issue is still undecided and this is also an item in the agenda for discussion in National council. On our part, we are continuing our effort to get an early decision.

**14.3 Guidelines for regulation of expenditure on indoor treatment where no CGHS rates are prescribed :** In order to address to the problem of regulating expenditure on indoor treatment in cases where no CGHS rates, AIIMS rates, rates in Govt. Hospitals/Govt. Medical Colleges/Institute are not available, BSNL issued guidelines vide its No. BSNL/Admn.I/14-2/09(Pt) dated 29.10.2009. The order stipulated that at the first instance, the reimbursement as per hospital rates be made by the CGMs and thereafter the case is to be referred to Corporate Office for further action.

**14.4 BSNL pensioners allowed to change their claim office from place of their retirement to place of settlement** : In order to mitigate the hardships of the pensioners who settle at a different place other than the place of their retirement, BSNL issued an order vide No. BSNL/Admn.I/(Pt) dated 16.5.2011 permitting them to change their claim office from the place of retirement to an office at the place of their settlement. Thus, the difficulties being faced by the affected pensioners were addressed.

**14.5 Extension of medical facilities under BSNLMRS to retiring employees facing disciplinary proceedings** : Latching on a case forwarded by Gujarat Circle Office of BSNL and seeking the advice of Corporate Office about extension of the medical facilities under BSNLMRS to the retiring employees facing disciplinary proceedings at the time of retirement and issued no PPO due to pending disciplinary proceedings, we approached the concerned Officers and tried to convince them to extend the benefit. We even took up the matter in writing. Finally, BSNL Corporate Office, vide its No. BSNL/Admn.I/15-10/13 dated 18.4.2013, issued orders to communicate that “in the case of officers retired on superannuation but no PPO was issued to them, but provisional pension was granted to them, such employees can be extended medical facility co-terminus with the period for which provisional pension is granted, till finalization of disciplinary case”. This brought relief to all such affected employees.

**14.6 Empanelment of Dr Lal Pathlabs to provide pathological tests all over India** : BSNL Corporate Office, vide its No. BSNL/Admn.I/15-23/13 (Pt) dated 28.9.2015, has ordered empanelment of Dr Lal Pathlabs to provide pathological tests to BSNL employees as per CGHS rates across all its centre all over India. This has benefited the employees/pensioners to have reliable pathological tests at CGHS rates.

**14.7 Extension of CGHS facilities to PSU absorbees**: Ministry of Health and Family Welfare, vide its OM No. C-14012/11/2003-CGHS-Desk I dated 18.8.2009, had issued orders extending the CGHS facility to those PSU absorbees who had commuted 100% of their pension and had got restored 1/3<sup>rd</sup> portion of their pension after 15 years. BSNL, vide its No. BSNL/Admn.I/15-5/07 dated 22/28.10.2009, circulating the said OM stated that these instructions shall be followed in the cases of CGHS optees. However, this order has no impact on BSNL pensioners.

**14.8 Extension of CGHS facilities to retired BSNL Employees** : On the request of BSNL Management, Department of Telecommunication has considered a proposal to extend the CGHS facilities to the retired BSNL employees. When the proposal was mooted all unions/associations straightly rejected the proposal. But this Association alone welcomed the proposal with the condition that the pensioners be given an option to choose either BSNLMRS or CGHS. Now DOT has conceded to the demand and has agreed, vide its File No. 4-12(11)/2012-PAT dated 20/2/2014, to extend the CGHS facilities to the retired employees of BSNL who are in receipt of Central Civil Pension and also for providing an option to choose either CGHS or BSNL-MRS post retirement as per their convenience. BSNL, vide its No. BSNL/Admn.I/14-15/09(pt) dated 2.4.2014 has endorsed and circulated this Order. However, the implementation of the Order is delayed since the rate of contribution by the BSNL

pensioners and their ward entitlement etc are still under consideration of the Ministry of Health & Family Welfare.

**14.9 Introduction of Health Insurance Scheme for the pensioners:** Government is actively considering a proposal for introduction of a Health Insurance Scheme for the pensioners. The proposal is being processed in Ministry of Health & Family Welfare and it is in the advance stage for a decision. It is likely to be sent to Cabinet for a decision. We need to watch these developments. If this suits us, we can also think of joining the scheme.

**15.0** Having given an account of most of the major developments which have taken place during last few years in respect of the pensioners in general and the BSNL pensioners in particular, it is time that we take a break now. During the past eight long years, we have got unqualified support and cooperation from all our members, office bearers, activists and other well wishers. But for this, it would not have been possible to have an analytical and objective assessment of various instructions on pension related matters and take up the issues backed by strong logic and the relevant decisions if and when available. On our part, we have tried our best to serve for the causes of the BSNL pensioners in general and the Executives in particular. Though many major catastrophes on the BSNL pensioners could be averted, still there are many more to be encountered. We have also tried our best to help in solving the long pending individual problems of many members about their absorption, settlement of disciplinary/vigilance cases and other pension related matters and also could get the positive result. In the end, I express my personal thanks to Shri S Ratnasubramanian, Joint Secretary (South) for extending his valuable advice, as and when sought for, on important orders and other critical issues. I also thank Shri R R Balasubramanian for designing our website and maintaining the same with timely updates. My gratitude goes to all CHQ Office bearers, State and Branch Office-bearers, members, well wishers and large number of admirers of the Association who continuously backed us through their encouraging words. Finally, I thank all the delegates, participants, guests who have come here and joined us in this historic event.

Thank you all .

Yours sincerely,

(S Basu)  
General Secretary