



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

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No. AIBSNLREA/CHQ/2013/47

Dated: October 07, 2013

To

Shri Praful Patel,
Minister of Heavy Industries & Public Enterprises,
Government of India,
Udyog Bhawan
New Delhi 110011.

Sub: Representation against willful violation of the DPE OM No 2(70)/08-DPE(WC)-GL-VII/0 dated 02.04.2009 by the Department of Telecommunication regarding merger of 50% DA, effectively amounting to 78.2%, as on 01.01.2007 for fitment in the revised IDA scales as recommended by the GoM constituted by the Prime Minister of India – Case of the employees of Bharat Sanchar Nigam Limited.

Sir,

Having found no other alternative to get one of our most genuine and serious grievance resolved, we are constraint to seek for your kind personal intervention on the above matter. Our numerous representations since June 2013 on the above issue to the Department of Telecommunication, which is the administrative Department to Bharat Sanchar Nigam Limited, so far have failed to evoke any response. Since the Department of Public Enterprises, under your kind control, is the nodal Department to decide wage policies for the employees of all CPSEs, issue Orders and monitor their implementation in the correct spirit of its various Orders by all the CPSEs, we take this opportunity to submit the following facts for your immediate kind consideration:-

- (1) Following the recommendations by Second PRC, the Department of Public Enterprises vide its OM No. 2 (70)/08-DPE(WC)GL-XVI/08 dated 26.11.2008 issued orders of revision of scales of pay w.e.f. 01.01.2007 in respect of all the Board level and below Board level executives and Non Unionised Supervisors in Central Public Sector Enterprises. This OM also stipulated that "A uniform fitment benefit @ 30% on basic pay plus DA @ 68.8% as on 01.01.2007 would be provided to all executives".
- (2) Subsequently Department of Public Enterprises, vide its OM No. No 2(70)/08-DPE(WC)-GL-VII/09 dated 02.04.2009, issued another Order at Para 2(i) of this OM stating that "The benefit of merger of 50% DA with Basic Pay w.e.f. 01.01.2007, effectively amounting to 78.2%, would be allowed for the purpose of fitment and pay fixation in the revised pay scales (Para 2(i) of DPE OM

dated 26.11.2008)".

- (3) The above DPE OM dated 02.04.2009 allowing fitment benefit of 78.2% DA for pay fixation in revised pay scales w.e.f. 01.01.2007, modifying the earlier fitment benefit of 68.8% DA, was allowed as per the recommendation of the Committee of Ministers constituted after intervention by the Prime Minister of India.
- (4) The DPE OM dated 02.04.2009 clearly mentions the effective date for its implementation. In fact, the Para 2(i) of this OM dated 02.04.2009 states that "the benefit of merger of 50% DA with Basic pay w.e.f. 01.01.2007, effectively amounting to 78.2%, would be allowed ..."
- (5) In an Order, vide his No. 3(113)/13-DPE(WC) dated 26.09.2013, on the First Appeal under RTI Act 2005, the Appellate Authority and the Adviser, Ministry of Heavy Industries & Public Enterprises, Government of India has confirmed that "As per available records no approval has been given to the CPSEs to have an option to decide on its own the effective date for such purpose, which was clearly clarified in the OM dated 02.04.2009."
- (6) But the Department of Telecommunication, vide its OM No. 61-01/2012-SU dated 10.06.2013 at its Para 2, ordered that "No arrears will be paid and revised fitment on the basis of DPE OM dated 02.04.2009 will be paid with prospective effect only". Department of Telecommunication also ordered for allowing the benefit as in DPE OM dated 02.04.2009 "from the date of issue" of its OM dated 10.06.2013.
- (7) Thus the Department of Telecommunication has violated the instructions of Department of Public Enterprises, as contained in its OM dated 26.11.2008 and OM dated 02.04.2009 in regard to giving the benefit of merger of 50% DA, effectively amounting to 78.2%, for fitment and pay fixation in the revised pay scales with effect from 01.01.2007 by unilaterally ordering the contents of the DPE OM dated 02.04.2009 to be implemented with effect from 10.06.2013 only.
- (8) Bharat Sanchar Nigam Limited, while implementing the Department of Telecommunication's OM dated 10.06.2013, allowed the benefit of fitment and pay fixation in the revised pay scales with effect from 01.01.2007 to its employees who were in service on or after 10.06.2013 and even drew annual increments since 01.01.2007 based on revised pay fixation, but surprisingly it denied the benefit to its employees who were in service on 01.01.2007 and also received the benefit of revised pay scales along with former group of employees w.e.f. the same date i.e. 01.01.2007 but retired between 01.01.2007 and 09.06.2013. Thus, these employees have been discriminated against.
- (9) Department of Telecommunication had taken the plea to deny the arrears and implementation of the DPE OM dated 02.04.2009 from a date subsequent to 01.01.2007 stating that the BSNL and its Unions had an agreement on these lines. This is completely untrue. The Unions had actually agreed for revised fitment benefit of 78.2% w.e.f. 01.01.2007 and payment of arrears only when the company's financial position improves.

2.1 The action of the Department of Telecommunication which violated the DPE OM dated 26.11.2008 and OM dated 02.04.2009 by not implementing the OM dated 02.04.2013 in regard to modified benefit of effective merger of 78.2% DA for fitment and fixation in the revised IDA pay scales with effect from 01.01.2007, as ordered by DPE, and also implementing the said DPE OM dated 02.04.2009 unilaterally from a prospective date has brought immense miseries to the absorbed BSNL Pensioners who draw their pension under Rule 37-A CCS (Pension) Rules 1972 from the Government.

2.2 Since the DPE OM dated 02.04.2009 regarding merger of 50% DA, effectively amounting to 78.2%, for the purpose of fitment and fixation of pay in the revised pay scales, which were already implemented in BSNL with effect from 01.01.2007 in terms of DPE OM dated 26.11.2008, has now been ordered by Department of Telecommunication for implementation in BSNL with effect from 10.06.2013, the pre-2007 absorbed BSNL pensioners who got their pension revised with fitment benefit of 68.8% DA as provided in the earlier DPE OM dated 26.11.2008 are being deprived of fixation of their pension with merger of 50% DA, effectively amounting to 78.2% as per the DPE OM dated 02.04.2009, for the purpose of fitment and fixation of their pension with effect from 01.01.2007.

2.3 Similarly the absorbed BSNL pensioners who were in service on 01.01.2007 but retired between 01.01.2007 and 09.06.2013 are also being denied the revised pay fixation benefit of 78.2% in terms of DPE OM dated 02.04.2009 in their revised IDA pay scales w.e.f. 01.01.2007. This, in turn, is denying them the re-fixation of their pension based on their last pay drawn which they are otherwise eligible to get on getting their pay fixation w.e.f. 01.01.2007 in the revised pay scales by application of revised fitment benefit of 78.2% as envisaged in DPE OM dated 02.04.2009.

3. In view of our above submissions, we would like to earnestly appeal to you to kindly advise Department of Telecommunication to amend its OM dated 10.06.2013 and allow the modified fitment benefit of 78.2% for fitment and fixation of pay in the revised IDA pay scales with effect from 01.01.2007 itself as stipulated in the DPE OM dated 02.04.2009 which has been unilaterally Ordered to be implemented by Department of Telecommunication with effect from 10.06.2013. We also appeal that BSNL, which has implemented the DOT OM dated 10.06.2013 with effect from 01.01.2007, but only for the employees who received their revised IDA pay scales on that date and were still in service on or after 10.06.2013 be also advised to extend the same benefit to its employees who were in service as on 01.01.2007 and received their revised pay scales with effect from 01.01.2007 but retired between 01.01.2007 and 09.06.2013 in order to avoid discrimination and correct implementation of the DPE OM dated 02.04.2009. The pay arrears, if need be, can be paid afterwards in multiple installments.

With kind regards,

Yours sincerely,



(S Basu)
General Secretary

Copy to:

1. Shri Kapil Sibal,
Minister of Communications & IT, GOI.
2. Shri V Narayanasamy,
Minister of State for (PP), GOI.
3. Shri M.F.Farooqui,
Secretary, DoT
4. Shri O P Rawat,
Secretary, DPE.
5. Shri Sanjay Kothari,
Secretary, DOP&PW.