

## **RESOLUTIONS PASSED BY THE 3<sup>rd</sup> ALL INDIA CONFERENCE OF AIBSNLREA CONDUCTED AT KOLKATA ON 7<sup>TH</sup> AND 9<sup>TH</sup> JANUARY 2023**

### **01. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/01**

**Pay revision of BSNL Executives w.e.f. 1.1.2017 as per DPE Order No. W/2/0028/2017-DPE(WC)-GL-XIII/17 dated 03.08.2017 by relaxation of its “affordability” clause in pursuance to the clarification communicated to DoT by DPE vide its No. W-02/0004/2018-DPE-WC dated 18.04.2018.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, notes with great concern and agony that though the Department of Telecommunications, in response to its communication vide OM No. 11-1/2017-SU.II dated 20.03.2018 on the question of relaxation of affordability clause of the DPE OM dated 03.08.2017 for Pay Scale revision of the BSNL Executives, received the requested clarification from Department of Public Enterprises, vide its No. W-02/0004/2018-DPE-WC dated 18.04.2018, that relaxation of affordability clause would “require approval of Cabinet for which DOT may examine the issue at its end for necessary action”, DoT took no further action to seek relaxation of the ‘affordability clause’ by the Union Cabinet.

The House unanimously resolves that Department of Telecommunications take immediate action to seek approval of Cabinet for relaxation of ‘affordability clause’ from Union Cabinet to revise the pay scales of Board level and below Board level Executives and Non-Unionised Supervisors of BSNL w.e.f. 1.1.2017 without any further delay.

### **02. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/02**

**Forcing BSNL to pay Pension contribution on actual pay instead of maximum of pay scale in respect of the BSNL Employees.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, notes with great concern and agony that the Department of Telecommunications, referring to FR-116, is still wrongly forcing BSNL to pay Pension contribution in respect of the absorbed employees by calculating the same based on “maximum of the pay scale”.

The Department of Expenditure, while clearing a proposal for calculation of pension contribution basing on “actual pay” w.e.f. 1.1.2006 for the **Government employees on foreign service**, advanced the ground for this decision, vide its ID No. MoF (DoE) ID No.228 (SO)(E-III(A))/08 dated 19<sup>th</sup> December 2008, that “With the introduction of Modified ACP Scheme under which an employee will now get financial upgradation to the next higher grade pay on completion of 10 years of service, under normal circumstances, no government servant is likely to remain in a particular grade for more than 10 years. In the light of this position, it is proposed that instead of the present practice of basing the calculation of pension contribution during the active period of foreign service on the basis of the maximum of the pay scale plus dearness pay appropriate to such maximum plus interim relief appropriate to such maximum, such calculations may now be

based on the existing basic pay of the Government Servant.” The above justification, as advanced by Department of Expenditure in respect of CG employees on foreign service, in fact is more applicable to the BSNL employees since all the BSNL Executives are covered under time bound financial upgradation Scheme after every 4/5 years and the non-executive employees after 7/8 years. Since none of the BSNL Executives remain on the maximum of the scale in their respective grade for more than 4/5 years and similarly the non-executives for more than 7/8 years, calculation of pension contribution, thus, basing on ‘actual pay’ of the BSNL employees needs to be implemented w.e.f. 1.1.2006 as in the case of the CG employees or even earlier as the time bound financial upgradations in BSNL were made effective w.e.f. 1.10.2004.

The House resolves that this long pending issue of wrong calculation of pension contribution under FR-116 in respect of the absorbed BSNL employees basing on “maximum of the pay scale” instead of their “actual pay”, as allowed by DOE/DOP&T for the Central Government employees on foreign service w.e.f. 1.1.2006, must be settled immediately. The House further resolved that DoT must refund to BSNL, the entire excess amount that it wrongly collected from it over the years.

### **03. RESOLUTION NO. AIBSNLREAQ/AIC-KOLKATA/03**

**Implementation of Government’s decision, as conveyed in DoT OM No. 42-4/2012-Pen(T) dated 28.04.2014, to achieve pay scale parity of MTNL and BSNL by bringing down the pay scales of MTNL to the level of BSNL pay scales at the time of next wage revision.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, notes with great concern that DoT has taken no action so far to implement its own decision to achieve pay scale parity of MTNL and BSNL by bringing down the pay scales of MTNL to the level of BSNL pay scales at the time of next wage revision and thus give some relief to the BSNL Executives for whom pay scale revision as per 3<sup>rd</sup> PRC recommendations followed by DPE OM dated 03.08.2017 is yet to be implemented. The above decision at Para (d) of the DoT OM No. 42-4/2012-Pen (T) dated 28.04.2012 implies that at the time of 3<sup>rd</sup> PRC implementation, BSNL pay scales will have to be at least brought up to the level of MTNL. since MTNL-Pay scales cannot be brought down from their existing levels.

The House unanimously resolved to urge Department of Telecommunications to immediately implement its above decisions by bringing up the pay scales of BSNL Executives to the level of MTNL Executives pending implementation of 3<sup>rd</sup> PRC recommendations.

### **04. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/04**

**Increase in quantum of pension by 5%, 10% & 15% on attaining the age of 65 years, 70 years & 75 years respectively as recommended by the Parliamentary Committee on Personnel, Public Grievances, Law and Justice.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, first expressed its gratitude to the Parliamentary Committee on Personnel, Public Grievances, Law and Justice for the above stated recommendation which when implemented will

give lots of relief to the hard-pressed pensioners/family pensioners. The House also notes with satisfaction that the issue is being discussed in the meetings of SCOVA under the chairmanship of Dr Jitendra Singh, MOS (PP). The House further resolved that the Government implement the said recommendation at its earliest, so that the long wait of the hapless pensioners/family pensioners comes to an immediate end.

#### **05. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/05**

**Issue of Survival of BSNL vis-a-vis Revival Packages 2019 and 2022 as announced by the Government– Vital recommendations of IIM, Ahmedabad on the core issue ignored.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, notes with great concern and deep anguish that the Department of Telecommunications, while announcing revival plans for BSNL, has been time and again ignoring a very vital recommendation of IIM Ahmedabad on the measures to be taken for revival of BSNL. The IIM Ahmedabad, engaged by DoT itself, to give its recommendation on revival of BSNL, had recommended that "The Board of Directors should also include professional who have had experience of running large businesses. The board should not have only civil servants and academicians as Independent Directors who have not been associated with running of business. Academicians for top-ranked Indian Management institutes or foreign institutes may be offered for board positions". IIM Ahmedabad further specifically recommended that "The top leadership of BSNL should be evaluated by DoT and should be made accountable for the profits and health of the organisation. We even suggest that the top leader (CMD) should be a professional who has had experience of running business rather than a government servant who is appointed on a fixed tenure by the government". But it is a matter of great concern that these recommendations have been completely side-lined, which seems to be intentional, and not included in the Memo proposing Cabinet approval for revival packages.

The House, therefore, resolves that the above stated recommendations of IIM Ahmedabad be implemented in full to ensure that the packages offered by Government for the revival of BSNL do not go waste.

#### **06. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/06**

**Payment of consequential benefits to the former TES Group B Officers of Department of Telecommunication since absorbed in BSNL and MTNL, following revision of their seniority, as ordered by Hon'ble Supreme Court in its final judgment delivered on 14.12.2017 in CA No(s) 4389 of 2010.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, notes with deep anguish and great concern that the Department of Telecommunications has so far taken no action to implement Hon'ble Supreme Court's final judgment delivered on 14.12.2017 in CA No.(s) 4389 of 2010 directing payment of "consequential benefits of pay fixation including pensionary benefits" w.e.f. 01.01.2018 in its true spirit to all TES Group Officers whose seniority has already been revised and duly been approved by the Apex Court. In this case, DoT

itself has to implement the judgment in respect of the TES Group B Officers, who were promoted by the DPCs duly constituted by DoT from time to time, before their subsequent absorption in BSNL and MTNL after 01.10.2000. Since BSNL, which was not in existence before 01.10.2000 and thus did not hold any DPC to consider the promotion orders of these DoT Officers of that time, has no role to review their promotion orders issued by DoT. The House feels that reluctance of Department of Telecommunications to implement the above stated judgment of Hon'ble Supreme Court seems to be nothing but an act of contempt.

The Conference, thus, unanimously resolves that Department of Telecommunications take immediate action to implement the above stated judgment of Hon'ble Supreme Court in its letter and spirit and arrange payment of "consequential benefits of pay fixation including pensionary benefits" with arrears due from 01.01.2018 to the pensioners.

#### **07. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/07**

**Non-restoration of grant of extra-increment on their post-based promotion under "BSNL Executive Promotion Policy" to the BSNL Executives retired between July 2017 and April 2018 by the Department of Telecommunications and denial of their consequent pension revision by the Controllers of Communication Accounts.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, expresses its deep anguish and concern that the Department of Telecommunication has taken no action to restore the extra-increment granted to the concerned BSNL Executives following their post-based promotion under "BSNL Executive Promotion Policy", who subsequently retired between July 2017 and April 2018, and restraining its Controllers of Communication Accounts. From denying their consequent pension revision.

In this case, DoT first rescinded the provision for grant of extra-increment on post-based promotion to the BSNL Executives under the "BSNL Executive Promotion Policy-2004", vide its No. 40-12/2004-Pen (T) (pt) dated 05.07.2017, but restored the benefit vide its No. 40-12/2004-Pen (T)/Pt dated 17.05.2018, following an Order passed by Central Administrative Tribunal, Principal Bench, Delhi. Since the DoT Order dated 17.05.2017 for restoration of the benefit mentioned only about the cases of those Executives who were retiring or retired within ensuing months, the Controllers of Communication Accounts presumed that this Order does not cover the cases of those who already retired between July 2017 (when the benefit was withdrawn by DOT) and April 2018 (when the benefit was ordered to be restored by DOT) and refused to restore the pensionary benefits to this section of retired Executives pending clarification from DoT. Despite several representations from AIBSNLREA, DoT is yet to issue the clarification sought for by the CCAs.

The House considered the above issue and resolved in one voice that Department of Telecommunications to immediately issue suitable clarifications to all concerned so that the benefit of one extra increment is also restored to the BSNL Executives **who retired during the period between July 2017 and April 2018**, in view of the fact that the CAT Order for restoration of benefit of extra increment was for all the BSNL Executives covered under 'BSNL Executive

Promotion Policy'. The Controllers of Communication Accounts be also advised to revise pension of these affected Executives accordingly.

#### **08. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/08**

**Grant of notional increment for Pensionary benefits in the cases where annual increment is due on the next day of retirement.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, notes with deep concern that the Department of Personnel & Training, ignoring the strong demand made by one and all to extend the benefit of Order passed by Madras High Court on 15.07.2017 in WP 15732 of 2017, which was filed by one Shri P.Ayyamperumal granting a notional increment that was due on the next date of his retirement for the purpose of pensionary benefits alone, has been denying to issue orders to grant the same benefit to all similarly placed persons. Further, DoP&T, vide its OM No. 19/3/2018-Estt (Pay-I) dated 03.02.2021, termed the judgment of Madras High Court as in personem' in nature. \_Meanwhile, many Orders/judgments in CAT and High Courts were delivered in the line of Madras High Court judgment. The Government went on appeal against all these judgments/ Orders in Supreme Court, in spite of the Supreme Court dismissing the appeals in several cases. The House also notes that DoP&T, in its OM vide Dy.No.2455223/22-Estt.(Pay-I) dated 22nd November 2022 on the issue of grant of notional increment on 1st July/1st January to the Central Government employees having their date of retirement on 30th June/31st December respectively, has stated that "the subject matter is under examination, in consultation with the nodal Ministries/Departments concerned".

The House expressed its total disapproval of the dilly-dallying attitude of the Government on this particular issue for last couple of years and urged the Government to take early decision to extend the benefit of notional increment for the purpose of pension to all the concerned retirees.

#### **09. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/09**

**Restoration of Commuted Value of Pension after 7 years from the date of commutation in view of the fact that the interests on loans given by the banks have drastically come down and commuted value of pension gets recovered fully within 7 years.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, notes with great concern that Government of India is still restoring commuted value of pension after 15 long years, even though the interest rates on loans given by banks have come down drastically and the commuted amount of pension would have been recovered in full along with the interest element thereon, in less than 7 years period. Concurring with this fact, even the State Governments have started reducing the number of years from the date of commutation to restore the commuted value of pension to their employees. The House resolved to urge the Government of India to review its old decision for restoration of commuted value of pension after 15 years from the date of commutation and reduce it to 7 years.

## **10. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/10**

**Increase of Fixed Medical Allowance (FMA) from Rs.1000 per month to Rs.3000 per month as recommended by the Parliamentary Committee on Personnel, Public Grievances, Law and Justice.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, discussed at length on the inadequacy of Fixed Medical Allowance under CGHS and noted that In February 2022, Department related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice in its 110th Report had made recommendations for enhancement of Fixed Medical Allowance from Rs.1000/- to Rs.3000/- per month. In this connection, the DoP&PW vide its letter No. 04/04/2022-P&PW(D) dated 16.01.2022 had also called for information from the Central Government Departments as to how many Central Government Civil Pensioners/Family Pensioners are getting Fixed Medical Allowance (FMA). The issue was last discussed in the 32<sup>nd</sup> Meeting of SCOVA and as per the official minutes of the meeting held in May 2022 “JS (Pension), DoPPW informed that a proposal to increase the amount of Fixed Medical Allowance is under consideration. Based on the data received from the concerned Departments, financial implications on the proposal are being worked out and a reference will be made to Department of Expenditure shortly.”

The House expressed its gratitude to the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice for its recommendation to enhance the FMA which when accepted by the Government of India will give much needed relief to the beneficiaries. The House also resolved to request DoP&PW and other concerned Departments to expeditiously arrive at a decision to revise the present rate of FMA and issue Orders accordingly.

## **11. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/11**

**Non-implementation of assurance to extend the benefit of option to retain CDA pay scale till their promotion or retirement whichever is earlier offered in the General Terms and Conditions of Service for absorption to the Group C & D employees by the Department of Telecommunications.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, notes with serious concern that after formation of BSNL, the Department of Telecommunications had issued the General Terms and Conditions of Service separately for the Group ‘C’ & ‘D’ Employees, Group ‘B’ and Group ‘A’ Officers while calling of option for their absorption in BSNL. In all these cases, the DoT offered one common benefit to all i.e. “an option to retain Government Pay Scale i.e. CDA pay scale till their promotion or retirement whichever is earlier”. Accordingly, many employees opted for absorption in BSNL accepting this specific offer. However, Department of Telecommunications allowed the benefit only to the retired absorbed Group “B” level Officers vide its No. 2-49(3)/2009-PAT dated 4.11.2010 following a Court Order.

But DOT did not allow the said benefit to the retired Group “C” and “D” Employees who also took absorption in BSNL and opted for the same benefit. This House unanimously urges DoT to end the discrimination and allow the benefit to the retired Group “C” and “D” employees too.

## **12. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/12**

### **Sudden dropping of the agenda to Introduce Health Insurance Scheme for pensioners including those residing in Non-CGHS area from the meetings of SCOVA.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, notes with concern that the above issue which was being discussed for quite some time in the meetings of SCOVA as one of its agenda items, has suddenly been dropped without its resolution. On last few occasions, the official minutes of the meetings clearly recorded that: “Ministry of Health & FW informed that, EFC Memo regarding finalization of Health Insurance Scheme was pending with Department of Expenditure. Ministry of Health was advised to follow up the matter with Department of Expenditure for taking a final decision in this regard”. But this item was suddenly found missing from the list of agenda in the last 32<sup>nd</sup> Meeting of SCOVA held in June 2022. This is most unfortunate.

The House resolved that DoP&PW restores and discusses this all-important agenda in the meetings of SCOVA and finally introduces a Health Insurance Scheme for the Pensioners and family pensioners.

## **13. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/13**

### **Improvements required in CGHS functioning – Increasing number of empanelled hospitals, number of wellness centres, online CMO approval of investigation advised by empanelled hospitals.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, took notice of the fact that bulk of BSNL absorbed pensioners, who were earlier covered under BSNL Medical Reimbursement Scheme (BSNL MRS), have already switched over and more such pensioners continue to switch over to CGHS by surrendering their BSNL MRS card and paying the one-time contribution towards availing CGHS facilities. This large-scale switch over is a result of their agony caused by progressive failure of the BSNL MRS to deliver the required medical care of its pensioners. BSNL pensioners have therefore a lot of expectations from CGHS.

At present CGHS exists only in 75 cities. The scheme can be extended to more cities. The number of CGHS wellness centres are not being added proportionate to the increase in number of CGHS beneficiaries. More wellness centres, therefore, can be opened to cater to the requirements of the card holders. One AD CGHS office has been functioning in Hyderabad since the days of unified Andhra Pradesh. After bifurcation, no AD office has been opened for Andhra Pradesh. Hyderabad is nearly 800 KMs away from Srikakulam District of AP State and it is therefore an

urgent requirement to open an AD office exclusively for Andhra Pradesh, with ease of access in mind. the pensioners are required to shunt between the Wellness Centre and the Empanelled hospital several times for getting approval for each and every referral for investigations, procedure and admission. Instructions may be issued for compulsory use of online referrals and approvals in order to relieve the ailing pensioners of the unwarranted additional pain. There are no adequate number of empanelled hospitals in the cities where CGHS facility is available. Sufficient number of well equipped and renowned hospitals should be empanelled in addition to the existing empanelled hospitals in all the CGHS cities.

The House unanimously resolves that the Ministry of Health & Family Welfare consider the above suggestions for improvement in the functioning of CGHS and issue appropriate orders for improvement at the earliest.

#### **14. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/14**

**Non-payment of medical claims, indoor and outdoor including without voucher claims under BSNLMRS, pending since the financial year 2018-19, to the BSNL Retirees by Bharat Sanchar Nigam Limited.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, notes with satisfaction the unrelenting and continuous efforts taken by the Association for getting resolved this issue of non-payment of medicals claims for years together, which finally led to issue of instructions by BSNL Corporate Office vide No. BSNL CO letter No. BSNLCO-CA/25/4/2021-CA-ERP-FICO/ dated 30.08.2022 for clearing all pending medical claims up to 31.03.2022. The House also expressed its total dismay that the retired BSNL employees have been left frustrated with a large number of them still waiting to get their medical claims paid, due to inept handling of the implementation of the said instructions by the Circles. This House unanimously resolves that BSNL should monitor the implementation of its instructions closely and ensure that not a single claim is left unpaid.

#### **15. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/15**

**Inadequate availability of Ayurvedic and Homeopathy medical facilities in the wellness centres under CGHS:**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, finds with great dismay that the CGHS authorities have not taken any positive step to provide adequate Ayurvedic and Homeopathic treatment facilities in its wellness centres in the cities where CGHS network is now available. As a result, the CGHS beneficiaries, desirous of going for Ayurvedic or Homeopathic treatment, are being compelled to take either allopathic treatment or go to the private practitioners. It is regretted that when the Government is encouraging such alternative medicine, its own Ministry of Health & Family Affair is making no



effort to make available the facilities to the CGHS beneficiaries. The House further resolved to request the authorities to provide facilities for Ayurvedic and Homeopathic treatment in maximum number of its Wellness Centres, if not in all.

#### **16. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/16**

##### **Stopping of continuous harassment of BSNL pensioners by categorizing the reimbursement of one-time contribution paid to CGHS as taxable by BSNL and reflecting in the Form 26AS.**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, notes with deep anguish that BSNL continues to show as taxable, the amount it reimburses on account of one-time contribution to CGHS, which creates unnecessary hardships while filing IT Return, in spite of our repeated representations and finally drawing BSNL's attention to the booklet issued in the name "Tax payers information – Series 36 – VALUATION OF PERQUISITES" by the Income Tax Department wherein in page 23, under Para 4.5 b) it has been clearly stated that "Medical insurance premium paid or reimbursed by the employer is not chargeable to tax. The House therefore resolves that BSNL immediately stop harassing the pensioners by showing the reimbursed amount as taxable income.

#### **17. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/17**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, places on record the extraordinary and exemplary service rendered by Shri S Basu, founder General Secretary of AIBSNLREA with unmatched dedication, discipline, honesty, determination and hard work. The Conference expresses gratitude to the warrior who dedicated 55 precious years of his life to the welfare of the DoT/BSNL Executives/Pensioners. The Conference appreciates his foresighted move of passing the mantle to relatively younger generation.

#### **18. RESOLUTION NO. AIBSNLREA/AIC-KOLKATA/18**

The third All India Conference of AIBSNLREA, which is in session in Kolkata on 7th and 8th January 2023, places on record the excellent work done by the host Circle – West Bengal State – in providing comfortable stay and harmless food for the delegates and for making wonderful arrangements for the conduct of the Conference. While appreciating all the volunteers of the Host Circle, the Conference expresses special gratitude to Shri S R Palit, CHQ Vice President, Shri Sukumar Ghosh, CHQ Organising Secretary (East), Shri Kartick Chandra De, State Secretary, West Bengal and Shri Debashish Chakraborty, State Finance Secretary, West Bengal for their invaluable contribution in the conduct of the All India Conference.