



**ALL INDIA
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No.AIBSNLOA/CHQ/2009/22

dated May 13, 2009

To
Shri Kuldeep Goyal,
Chairman & Managing Director,
BSNL,
New Delhi - 110 001

**Sub: DoT's proposal to revise pension of BSNL Pensioners in CDA Pay scale –
Our protest – reg**

We are very much troubled to learn that DoT has moved a proposal wrongly relying on DoP&PW's OM No 4/14/2001-P&PW(D) dated 19.09.2003 to revise the pension of the BSNL pensioners in CDA pay scale in spite of the fact that the Department of Pension & Pensioners' Welfare has categorically advised DoT, while examining this proposal, that this Order is NOT applicable for BSNL pensioners.

2. In this regard, we would like to draw your kind attention to the following facts:

(1) Sub Rule 9 of Rule 37 A provides that the pension of an employee shall be calculated on the basis of his last 10 months' average pay.

(2) Sub Rule 10 of Rule 37 A provides that "in addition to pension or family pension the employees shall be eligible for dearness relief as per industrial dearness allowance pattern."

(3) DoT vide its letter No. 33-14/2000/SR dated 19-02-2001 has clarified that "for the purpose of reckoning emoluments for calculation of pension and pensionary benefits the emoluments as defined in CCS(Pension) Rules in PSU in the IDA pay scales shall be treated as emoluments. [This point has also been reiterated in BSNL's Office Order No. BSNL/26/SR/2002 dated 07-08-2002 at Para 6 under the heading pension issued by BSNL for introduction of IDA pay scales w.e.f. 01-10-2000 in replacement of existing CDA scales for non executive staff absorbed from DoT/DTS/DTO in BSNL w.e.f. 01-10-2000.]

(4) The DoP&PW vide its Order No 4/61/99-P&PW(D) dated 20.12.2002 had clarified that in case of absorbed employees their 'pay in IDA pay scale will be taken into account for calculation of average emoluments. In addition to pension or family

pension, as the case may be, such absorbed employees shall also be eligible to receive Dearness Relief as Industrial DA pattern as per provision of sub rule 10 of Rule 37A'.

(5) In case of the employees of Food Corporation of India, the revision of pension for the pensioners was ordered in IDA pay scale only by the Ministry Consumer Affairs, Food and Public Distribution [vide F. No 38020/1/2000-FC.3 dated 31.05.2005]. Para 7 of this Order clearly says that the Department of Pension & Pensioners' Welfare and Department of legal affairs were duly consulted before taking decision on the issue. Further, as per Para 4 of their Order, the Ministry of Consumer Affairs, Food & Public Distribution was fully aware of the contents of DoP&PW's OM No.4/14/2001-P&PW(D) dated 19.9.2003 but did not consider it applicable for the absorbed FCI employees.

(6) In the case No Appeal (civil) 2388 of 2008 [Videsh Sanchar Nigam Ltd vrs Ajit Kr Kar & Ors] before the Supreme Court whose judgment was delivered on 01.04.2008, it is recorded in Para 12 of the Judgment that "Department of Telecommunications in reply to the representation dated 23.08.1998 of the Secretary of VSNL's Retired Employees Association, in their notification states:-

(i) Pension in IDA pay scale with IDA relief: Having changed over to IDA pattern of pay scales as per the Government instructions, it is obvious that employees who opted for the Government pension should be paid in the applicable IDA pattern of pay scales with IDA relief."

3. When the existing Rules, Law, Clarifications issued by the nodal agencies, the orders issued by Ministry of Consumer Affairs in respect of FCI pensioners and the stand taken by DoT itself in the case of VSNL Employees as recorded in the Supreme Court judgment quoted above clearly confirm that the pension and DA relief to the absorbed employees have to be on Industrial DA pattern of Pay scales with Industrial Dearness Relief, we are not able to understand why DOT has proposed to pay pension in CDA pattern of pay scales with CDA relief.

4. We shall therefore earnestly request you to kindly take up the issue with DoT and to convey our genuine apprehensions, so that the proposal to revise pension of BSNL pensioners in CDA pattern, is dropped forthwith.

With kind regards,

Yours sincerely,



(V.P.Arya)
General Secretary

Copy to:
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