



ALL INDIA BSNL DOT PENSIONERS ASSOCIATION

[Registered No. S/68836/2010]

Central Head Quarters

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AIBDPA/DOT-MIN/2015

March 13, 2015

To

**Shri Ravi Shankar Prasad,
Hon'ble Minister for Communication & IT,
Govt. of India,
Sanchar Bhawan,
New Delhi-01**

Respected Sir,

Sub: - **Extension of 78.2% IDA merger to BSNL Pensioners – Settlement delayed for one or other pretext – intervention sought – req.**

Ref: **This Association letter No.AIBDPA/DOT-MIN/2014 dated 14.06.2014.**

May I bring to your kind notice the sorry state of developments with regard to the issue cited above for your sympathetic consideration, intervention and redressal.

In our letter referred to above (copy of enclosed for ready reference) the genuiness of the issue was clarified with particular emphasis to avoid notional fixation and cabinet approval. But unfortunately these were not considered and the Department of Expenditure directed DOT to go for cabinet approval for both section of pensioners viz., **(1)** pre 2007 BSNL pensioners and **(2)** those retired between 01.01.2007 and 09.06.2013 as those retired after 10.06.2013 continue to get the benefit. The letter in this regard was received at DOT in October 2014 and the DOT could not finalise the cabinet note even after a period of five months.

Though a draft cabinet note was prepared by the Establishment Section of DOT, the internal finance in DOT has returned it asking to incorporate certain additional points and redraft. The additional points are reported to be the financial implication and the exact position of 60.40 ratio. This means further indefinite delay in the issue in the name of collection of inputs etc. and also because there is no accountability by any section or department. The 60.40 problem is being raised not only by DOT but also other nodel departments on which there were huge delay. This has arisen due to a letter by DOT vide No.1-45/2003-B dated 15.06.2006 (copy enclosed) addressed to CMD, BSNL which states that the annual liability of pension in respect of absorbed BSNL employees shall not exceed 60% of the annual receipts to Government from dividend from BSNL, License fee and Corporate Tax/Excise duty/service tax paid by BSNL”

This was objected by BSNL Management and all the staff unions in BSNL as the pension of BSNL absorbed employees are covered under Rule 37-A of the Pension Rules and entitled to get the pension from the consolidated fund of Government of India. After much pressure another letter was issued by the then Secretary, DOT, Shri Sidhartha Behura, on 05.01.2009 (copy enclosed) which clarified as under.

"In this context it is hereby clarified that the said limit of 60% is for normal funding. This does not in any way distract from the fact that the ultimate liability towards pensionary benefits including family pension to the BSNL employees, as per sub rule 21 of Rule 37-A of CCS (Pension) Rule 1972, lies with the Government of India. If BSNL, for any reason, is not able to contribute to the extent prescribed in para 1 above, the Government of India will still pay the admissible pensionary benefits including Family Pension to BSNL employees."

Unfortunately, in our experience, all the concerned department take the stand that in the absence of withdrawal of the letter dated 15.06.2006, its contents prevail over and the clarification issued by the Secretary, DOT on 05.01.2009 is ignored conveniently.

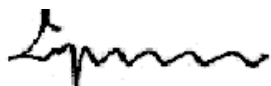
Therefore we request you to kindly cause necessary action for the withdrawal of the letter of DOT dated 15.06.2006 to avoid unnecessary complications. In respect of the extension of the benefit of 78.2% IDA merger to BSNL pensioners retired before 10.06.2013, it is requested to consider the following points.

- (1)** The BSNL pensioners retired after 10.06.2013 is granted the benefit. As an eminent advocate of the Supreme Court, your goodself is well aware of the Supreme Court order to the effect that 'pensioners cannot be discriminated on the basis of the date of their retirement.'
- (2)** There should be certain accountability by every section/department for disposal of file and our Hon'ble Prime Minister had to raise his concerns on this aspect. This is absolutely necessary to maintain the credibility of each department and the Government as well.
- (3)** It is almost 21 months that the employees of BSNL and those retired after 10.06.2013 are availing the benefit of 78.2% IDA merger and the abnormal and unusual delay caused in granting this benefit to the pensioners retired before 10.06.2013 is causing much resentment and anger among the pensioners.

Hence I, on behalf of All India BSNL DOT Pensioners Association, request your goodself for early intervention in the matter so that the issue is settled without further delay.

Thanking you,

Yours faithfully



[K.G. Jayaraj]
General Secretary

Encl: As above.

Copy to: **(1)** Shri Rakesh Garg, Secretary, Department of Telecom, New Delhi
(2) Ms. Annie Moreas, Member (Finance), DoT, New Delhi.
(3) Shri Rajeev Agrawal, Member (Services), DoT, New Delhi.