

No. 47-35/2014-Pen (T)
Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20 – Ashoka Road
New Delhi – 110 001

Dated the 13th July, 2018

Sh. Amit Kumar Gupta,
1/4 Rajendra Banerjee Road,
Behala, Kolkata-700034.

Subject: Orders of Central Information Commission vide file
No.CIC/DP&PW/A/2017/121215 dated 27.06.2018 – reg.

Kindly refer to DOP&PW letter No.4/1/2018-P&PW(D) dated 04.07.2018 on the above mentioned subject received in this office on 06.07.2018 alongwith a copy of the CIC order dated 27.06.2018 requesting this office to inform you regarding the action taken for revision of pension of BSNL/MTNL absorbee pensioners after 7th CPC.

2. Regarding the revision of pension of BSNL/MTNL pensioners/family pensioners who were absorbed permanently in BSNL/MTNL from DoT as per 7th CPC in terms of DOP&PW OM dated 04.08.2016 & 12.05.2017, it is stated that these orders are applicable to CDA pensioners only. Further, these orders are applicable for the pensioners who are drawing monthly pension from Government on permanent absorption in PSUs on pro-rata basis on CDA pattern based on their service in Government only. However, these order are not applicable for revision of pension of the employees who were permanently absorbed in BSNL/MTNL from DoT and are getting pension on the basis of combined service in DoT & BSNL/MTNL on IDA pattern in terms of Rule 37-A of CCS (Pension) Rules, 1972. It is stated that the pension revision follows pay revision. Earlier also, pension of permanent absorbees in BSNL drawing pension in IDA pattern has been revised on implementation of 2nd PRC in 2007. Accordingly, case of pension revision of the permanent absorbees in BSNL/MTNL will be taken up as and when 3rd PRC is implemented in BSNL/MTNL.

3. Moreover, it is mentioned that the above explained position & facts w.r.t. the revision of pension of BSNL/MTNL absorbee pensioners have also been conveyed to Sh. Ajay Nishad, Hon'ble MP(LS) and Sh. Gopal Shetty, Hon'ble MP(LS) by the Hon'ble MoSC(IC) vide DO letters dated 28.10.2017 & 13.06.2018 respectively. Copies of the DO letters dated 28.10.2017 & 13.06.2018 are enclosed herewith for information.

Encl: As above.


(Sanjay Agrawal)
Director (Estt.II) & CPIO
Tel: 2303 6500

Copy to: Sh. Subhash Chander, CPIO/Under Secretary, DOP&PW, Ministry of Personnel, PG Pension, 3rd Floor, Lok Nayak Bhawan, Khan Market, New Delhi w.r.t. letter No. 4/1/2018-P&PW(D) dt. 04.07.2018.

मनोज सिन्हा
MANOJ SINHA



सत्यमेव जयते

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संचार राज्य मंत्री (स्वतंत्र प्रभार)
एवं
रेल राज्य मंत्री, भारत सरकार
Minister of State (Independent Charge)
for Communications
and
Minister of State for Railways
Government of India

23 OCT 2017

D.O. No.40-16/2017-Pen(T)

Dear Shri Ajay Nishad Ji,

Kindly refer to your D.O. letter No.738/MP/AN/17 dated 28/08/2017 regarding revision of pension of BSNL pensioners/family pensioners who were permanently absorbed in BSNL from DoT and are getting pensions/family pensions from the Government of India, in terms of the OM No. 38/37/2016-P&PW(A) dated 12/05/2017.

The case was sent for examination. After examination, it has been found that the OM dated 12/05/2017 is in continuation of the OM of even number dated 04/08/2016. Para 7 (a) of the letter clearly states that when the Government servants on permanent absorption in PSUs continue to draw pension separately from the Government, the pension of such absorbees will be updated in terms of these orders. Accordingly, Para 12 of the OM dated 12/05/2017 is applicable for the pensioners who are drawing monthly pension from the Government on permanent absorption in PSUs on pro-rata basis on CDA pattern based on their service in Government only.

On the other hand, the employee who were permanently absorbed in BSNL from DoT are getting pension on the basis of combined service in DoT and BSNL on IDA pattern in terms of Sub-Rule (10) of Rule 37-A of CCS (Pension) Rules, 1972. It is stated that pension revision follows pay revision. Earlier also, pension of permanent absorbees in BSNL drawing pension in IDA pattern has been revised on implementation of 2nd PRC in 2007.

Accordingly, case of pension revision of the employees permanently absorbed in BSNL will be taken up as and when 3rd PRC is implemented in BSNL.

With regards,

Yours sincerely,

ISSUED

MS

Manoj Sinha
(MANOJ SINHA)

Shri Ajay Nishad
Member of Parliament (Lok Sabha),
197, North Avenue,
New Delhi - 110001

मनोज सिन्हा
MANOJ SINHA



संचार राज्य मंत्री (स्वतंत्र प्रभार)
एवं
रेल राज्य मंत्री, भारत सरकार
Minister of State (Independent Charge)
for Communications
and
Minister of State for Railways
Government of India

13 JUN 2019

D.O.No.34-19/2018-Pen(T)

Dear Shri Gopal Shetty Ji,

Kindly refer to your letter dated 12/03/2018 regarding revision of pension of MTNL retirees who are Central Service Pensioners drawing pension from GoI on combined service rendered in DoT and MTNL under Rule 37-A of CCS(Pension) Rules, 1972, in accordance with fitment formula given by 7th CPC.

The case was sent for examination and it has been found that pension revision follows pay revision. Earlier also, pension of similarly placed combined service pensioners, who had retired before 2nd PRC, was revised after implementation of 2nd PRC in BSNL/MTNL in 2007.

Accordingly, case of pension revision of the concerned employees in MTNL will be taken up as and when the 3rd PRC is implemented in MTNL.

With regards,

Yours sincerely,

Manoj Sinha
(MANOJ SINHA)

Shri Gopal Shetty
Member of Parliament (Lok Sabha)
89, South Avenue
NEW DELHI-110011.

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RTI MATTER/ SPEED POST

No.4/ 1 /2018-P&PW (D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Pension & Pensioners Welfare

3rd Floor, Lok Nayak Bhavan,
Khan Market, New Delhi,
Dated the 04th July, 2018

To

✓ Amit Kumar Gupta,
1/4 , Rajendra Banerjee Road,
Behala, Kolkata-700034

Subject: - **Orders of Central Information Commission vide file No. CIC/DP&PW/
A/2017/ 121215 dated 27-06-2018**

Sir,

Kindly refer to the Order of Central Information Commission issued vide File No. CIC/DP&PW/A/2017/121215 dated 27-06-2018 (Copy enclosed) .

2. The revised point-wise reply in respect of the points raised by Shri Amit Kumar Gupta in his RTI application dated 07-09-2016 is as under:

S.No	Query	Response
1.	The Pensioners of which Departments/PSUs will be covered under the provisions of above two paras 2.1 & 7(a) of DoP&PW vide O.M. F.No. 38/37/2016-P&PW(A)(ii) dated 04-08-2016.	This Department had issued OM No. 38/37/2016-P&PW(A)(ii) dated 04-08-2016 (Copy enclosed) for revision of pension of pre-2016 Central Government Civilian Pensioners who had retired in CDA pay scales before 01-01-2016. Para 2.1 of this OM provided that these Orders shall apply to all pensioners/family pensioners who were drawing pension/family pension before 01-01-2016 under the Central Civil Services (Pension) Rules, 1972. Further, Para 7(A) of this OM provided that the Government servants who were absorbed in PSUs, etc. and were getting monthly pension from Government were also eligible for revision of pension under this order. However, those who were absorbed in PSUs, etc. and who were entitled to pension in IDA pattern based on the combined service in Government and PSU are not covered by these Orders. In their cases, the

		<p>concerned PSU/Administrative Ministry has to issue orders for revision of pension, if any.</p> <p>2. The RTI was also transferred to CPIO, Department of Telecommunication (DoT) vide letter no. 4/1/2016-P&PW(D) dated 31-10-2016/25-11-2016. CPIO, DoT vide their letter no. 47-35/2014-Pen(T) dated 27-12-2016 (Copy enclosed) replied as under:</p> <p>“It is mentioned that in pursuance of Government’s decision on the recommendation of the Seventh Central Pay Commission, DOP&PW vide its OM No. 38/37/2016-P&PW(A)(ii) dated 04-08-2016. As per Para 2.1 of the said OM, “These orders shall apply to all pensioners/family pensioners who were drawing pension/family pension before 01-01-2016 under the Central Civil Services (Pension) Rules, 1972”. As per Para 7(a) of the said OM, “Where the Government servants on permanent absorption in public sector undertaking/ autonomous bodies continue to draw pension separately from the Government, the pension of such absorbee will be updated in terms of these orders. In cases, where the Government servants have drawn one time lump sum terminal benefits equal to 100% of their pensions and have become entitled to the restoration of one-third commuted portion of pension as per the instructions issued by this Department from time to time, their cases will not be covered by these orders. Orders for regulating pension of such pensioners will be issued separately”. As such DOP&PW’s OM dated 04-08-2016 is applicable to Govt. Servant permanently absorbed in PSU/AB and drawing pro-rata pension only.</p>
2.	<p>Whether the absorbee pensioners of BSNL, who fulfil conditions mentioned in para 2.1 & 7 (a) of the said order are covered by the said order and their pension will be revised from 1-1-2016 in terms of the said order DoP&PW O.M. F.No. 38/37/2016-P&PW(A)(ii) dated 04-08-2016.</p>	<p>As mentioned in the reply dated 31-10-2016 of this CPIO, orders for revision of pension of absorbee pensioners of BSNL/MTNL who are getting pension under IDA pattern are issued by Department of Telecommunications (DoT). Therefore, a copy of his RTI application was transferred to CPIO, Department of Telecommunications for providing the requisite information to the applicant. The CPIO, DoT in</p>

3. Whether the absorbee pensioners of MTNL, who fulfil the conditions mentioned in para 2.1 & 7(a) of the said order are covered by the said order and their pension will be revised from 01-01-2016 in terms of the said order dated 4-8-2016.	her reply dated 27-12-2016 has informed the applicant/appellant that DoP&PW OM dated 04-08-2016 is applicable to Government servants permanently absorbed in Public Sector Undertakings/ Autonomous Bodies and drawing pro-rata pension only (Copy enclosed).
4. If the answer to the questions 2 above is negative, then kindly furnish the information on BSNL absorbees ineligibility of getting covered under the order dated 4-8-2016 in spite of fulfilling the conditions laid down in para 2.1 & 7(a) of the said order DoP&PW O.M. F.No. 38/37/2016-P&PW(A)(ii) dated 04-08-2016.	2. It may be mentioned that after 6 th Central Pay Commission also, the Orders for revision of pension of Government pensioners were not applicable for revision of pension of the absorbee pensioners of BSNL/MTNL drawing pension under IDA pattern. DoT had issued one such separate Order for revision of pension of pre-2007 pensioners/family pensioners of BSNL vide OM No. 40-17/2008-Pen(T)-Vol.III dated 15-03-2011 (Copy enclosed).
5. If the answer to the questions 3 above is negative, then kindly furnish the information on MTNL absorbees ineligibility of getting covered under the order dated 04-08-2016 in spite of fulfilling the conditions laid down in para 2.1 & 7(a) of the said order DoP&PW O.M. F.No. 38/37/2016-P&PW(A)(ii) dated 04-08-2016.	3. <u>Therefore, further action for revision of pension of BSNL/MTNL combined service absorbee pensioners after 7th Central Pay Commission is required to be taken by DoT. A copy of this reply is also being endorsed to the CPIO, DoT to directly inform you in regard to the action taken, if any, for revision of pension of BSNL/MTNL absorbee pensioners after 7th Central Pay Commission.</u>

Encl: As above.

Yours faithfully,



(Subhash Chander)

Under Secretary to the Govt. of India/ CPIO
Tel. No. 24644632

Copy to:

(1) Sh. Sanjay Agarwal, Director & CPIO, Department of Telecommunications, Sanchar Bhawan 20, Ashoka Road, New Delhi-110001. Further action for revision of pension of BSNL/MTNL combined service absorbee pensioners after 7th Central Pay Commission is required to be taken by DoT. It is requested to directly inform Sh. Amit Kumar Gupta in regard to the action taken, if any, for revision of pension of BSNL/MTNL absorbee pensioners after 7th Central Pay Commission.

(2) US(RTI), Department of Pension and Pensioners' Welfare, Lok Nayak Bhawan, New Delhi.