



# ALL INDIA BSNL DOT PENSIONERS ASSOCIATION

[Registered No. S/68836/2010]

## Central Head Quarters

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AIBDPA/ DOT-VRS/2020

20th June,2020

To,

Shri Anshu Prakash,  
Secretary,  
Department of Telecommunications,  
Sanchar Bhawan,  
New Delhi-110 001

Sir,

Sub: - PPOs for VRS retired, mentioning pension sanctioned as per BSNL VRS 2019 rules instead of CCS (Pension) Rules 1972— req.

As per the para 6.2 of the Annexure-1 of the BSNL VRS Order issued on 4.11.2019, the VRS opted employee is entitled to terminal benefits and other benefits as per the existing rules. The existing rules for the BSNL absorbed pensioners are the CCS (Pension) Rules 1972.

But in the case of VRS optees, pension commutation and DCRG is delayed unlike in retirement on superannuation. This postponement was done by the decision of the Cabinet by an executive order. The CCS (Pension) Rules 1972 are statutory, since they are made under proviso of article 309 and 148 of the Constitution of India. It is a settled law that executive fiat cannot override the statutory provisions as clearly stipulated in the Order dated 28th July 2004 issued by the Hon'ble Allahabad High Court in Vijay Singh And Ors. vs State of Uttar Pradesh And Ors. Despite this position it is stated in the PPO of the VRS retirees that their pension will be fixed as per VRS rules. This is not correct.

Hence it is necessary that suitable changes have to be made in the CCS(Pension) Rules 1972 as per the powers conferred by article 309 and 148 of the Constitution of India, so that no problem in the matter shall arise in future for the BSNL VRS retirees.

An early action in the matter is requested.

Thanking you,

*Yours sincerely,*

**K G Jayaraj**

**General Secretary.**

Copy to : (1) Shri P.K.Sinha, Member (Finance), DoT, Sanchar Bhawan, New Delhi- 110 001

(2) Shri P.K.Purwar, CMD BSNL, Bharat Sanchar Bhawan, New Delhi – 110001