



Sanchar Nigam Pensioners' Welfare Association

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SNPWA/CHQ/Hon'ble MOC/1/25 Dated: 30th January 2025

To
Sh. Jyotiraditya M. Scindia,
Hon'ble Minister of Communications,
Government of India,
New Delhi – 110001

Subject: **Urgent Intervention Requested to Address the Long-Pending and Legitimate Pension Revision for BSNL/MTNL Pensioners – Seven Years of Unjustified Delay Due to Arbitrary and Legally Untenable Actions by the DOT Establishment**

Hon'ble Respectable Sir,

The Sanchar Nigam Pensioners' Welfare Association (SNPWA), New Delhi, a key constituent of the Joint Forum of BSNL-MTNL Pensioners' Associations, is compelled to bring to your kind attention the unprecedented and highly insensitive actions of the DOT bureaucracy, which have inflicted immense hardship on BSNL/MTNL absorbed pensioners for the past seven years.

Key Issues and Background

1. **Union Cabinet's Decision of 2000 in Favor of BSNL/MTNL Absorbed Employees:**
The absorption of DOT employees into BSNL/MTNL, effective from 1st October 2000, was based on a categorical decision of the Union Cabinet in 2000, which explicitly guaranteed complete parity between BSNL/MTNL absorbed pensioners and Central Government pensioners, including pension payment and terminal benefits
2. **Amendment to Pension Rules:**
To uphold this parity and facilitate absorption, Rule 37 of the Central Civil Services (Pension) Rules, 1972, was suitably amended to include Rule 37(A). This amendment unambiguously stipulates that the pension and terminal benefits of absorbed BSNL/MTNL employees shall be paid by the Government of India and that: **"Pensioners of BSNL/MTNL shall be treated at par with Central Government pensioners in all respects."**

3. **Pension Contributions by BSNL/MTNL Employees:**

BSNL/MTNL pensioners fully met their pension liabilities by contributing to the government at the maximum of their pay scales, just like Central Government pensioners. Thus, the oft-repeated argument by the DOT bureaucracy that pension revision will have financial implications is completely baseless, misleading, and untenable since the financial liability for pension revision has already been met by BSNL/MTNL pensioners in full.

4. **Legally Flawed Argument by DOT Bureaucracy:** The assertion by the DOT bureaucracy that pension revision cannot be undertaken without wage revision is factually incorrect, legally untenable, and misleading. **Wage revision and pension revision are entirely independent processes, and this concocted argument has no legal or financial basis.**

Unjust Actions and Their Repercussions

For the past eight years, the DOT bureaucracy has systematically misrepresented facts, falsely propagating that BSNL/MTNL absorbed pensioners ceased to be Central Government employees upon their absorption into BSNL/MTNL. **This erroneous and fabricated stance blatantly violates the Union Cabinet's decision of 2000 and the statutory provisions of Rule 37(A)**, which was exclusively framed to safeguard pensioners' rights of BSNL/MTNL.

This prejudiced narrative has been incessantly used to mislead policymakers, perpetuating rightful pension revision.

This malafide and prejudiced narrative has been incessantly used to mislead policymakers, perpetuating rightful pension revision. Rule 37 (A) makes us totally distinct from employees absorbed from other CPSUs in the Govt. Sub-Rule (22) of 37A where special provisions are made exclusively for BSNL/MTNL combined service pensioners which inter- alia states that "Nothing contained in Rule (13) to (21) shall apply in case of Conversion of Department of Telecom Services and Telecom Operations into BSNL, in Which case the pensionary benefits including family pension shall be paid by the Government."

Judicial Directives Contemptuously Violated

1. **Landmark Judgment of the Hon'ble Principal Bench, CAT On 21st September 2023, the Hon'ble Principal Bench of the Central Administrative Tribunal (PB CAT), New Delhi, unequivocally directed the DOT to revise the pensions of BSNL/MTNL pensioners at par with Central Government pensioners within three months**
2. **Continuous pleas of DOT to stay orders of PB CAT ND out rightly rejected by the Hon'ble Delhi High Court.. On 5th April 2024, the Hon'ble Delhi High Court declined to stay the PB CAT judgment. On 31st May 2024, the High Court rejected DOT's plea to stay contempt proceedings initiated by PB CAT for non-implementation**

of its judgment. The Court also refused to pre-poner the hearing of the writ petition filed by the DOT and **imposed heavy costs, castigating the department for its abominable conduct.**

Despite these clear judicial directives, the DOT bureaucracy continues to obstruct pension revision on frivolous and prejudiced and untenable grounds, further exacerbating the suffering of pensioners.

Rule 37(A) vs Rule 37 – DOT’s Misinterpretation

As per sub-rule (4) of Rule 37A, an employee, upon absorption into a PSU, ceases to be a government servant from the date of absorption and is deemed to have retired from government service.

However, this must be read in conjunction with the date of retirement, not the date of absorption. This distinction is even more evident when comparing Rule 37(A) with Rule 37, which states that upon absorption in a PSU, a government servant “will be deemed as retired from government service from such date.”

The words “from such date” is conspicuously absent in Rule 37(A), reinforcing that pensioners retain their status and entitlements until their retirement, not at the point of absorption.

Furthermore, numerous Supreme Court judgments have upheld that negotiated settlements are most welcome, even when an issue is sub-judice in any court. Therefore, there is absolutely no legal or administrative impediment preventing the government from resolving this issue immediately and amicably.

Humble Plea for Immediate Personal Intervention

Hon’ble Sir, the persistent apathy of the DOT has led to thousands of pensioners tragically passing away over the past seven years without receiving their rightful pension revision. The situation demands your immediate and compassionate intervention to end this grave injustice.

We firmly believe that your kind intervention will lead to:

- 1. Enforce the Union Cabinet’s 2000 decision, which categorically guarantees pension parity for BSNL/MTNL pensioners with Central Government pensioners. This was the fundamental assurance given to employees at the time of absorption.***
- 2. Ensure that the legitimate rights of BSNL/MTNL pensioners are not trampled upon by the DOT bureaucracy’s blatant circumvention of the Union Cabinet’s decision and Rule 37(A).***

3. ***Deliver long-overdue justice to nearly 5 lakh pensioners who have been suffering immense hardship due to seven years of deliberate neglect and exploitation.***
4. ***Reaffirm the Government's unwavering commitment to justice, equity, and the welfare of senior citizens.***

We earnestly urge you to take prompt and decisive action to resolve this issue. Your intervention will not only bring relief to aging and ailing pensioners but will also restore their faith in the system, ensuring that justice is finally served.

With kind regards,
Yours sincerely,



(G. L. Jogi)
General Secretary

Copy to:
Sh. Neeraj Mittal, Secretary (Telecom), DOT, New Delhi.