



Sanchar Nigam Pensioners' Welfare Association

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SNPWA/CHQ/ Hon'ble MOS for comm./2/22

Dated 24th June,22.

To

Respected Sh Devusinh Chauhan,
Honble MOS for Communications,
Sanchar Bhawan, New Delhi.

Sub Critical, significant and overriding provisions of Rule 37 that fully, legitimately and irrefutably restore the full status of DOT employees absorbed in BSNL/MTNL as Central Govt. Pensioners upon their retirement in terms of Sub Rules 26, 27 and 28 of Rule 37 of CCS Pension Rules 21, notwithstanding general Sub Rule 5 of Rule 37, which has been amplified in a motivated manner, while concealing and suppressing Sub Rules 26, 27 and 28, and the application of which (Sub Rule 5 of Rule 37) to BSNL/MTNL pensioners on their retirement from BSNL/MTNL becomes completely irrelevant in terms of their full restoration as Central Govt. Pensioners consequent upon their retirement from BSNL/MTNL vis-à-vis these specific provisions incorporated specifically in Rule 37 of CCS Pension Rules 2021 for DOT Employees taking absorption in BSNL/MTNL in the year 2000 when DOT was corporatized.

Ref; Our letter of even no dated 19th June,22.

Hon'ble Sir

This is in continuation of our letter under reference wherein critical and overriding provisions of Rule 37 of CCS Pension Rules 21, sub rules 26, 27 and 28 that irrefutably restore the status of BSNL/MTNL pensioners on their retirement and completely override the provisions of general sub rule 5 of Rule 37 have, surprisingly, been concealed and underplayed. **Unfortunately, based on unfounded and erroneous grounds, entire reliance was placed on general Sub**

Rule 5 of Rule 37, blatantly ignoring sub rules 26, 27 and 28, which has no bearing on pensioners of BSNL/MTNL and which has been unduly amplified, for unknown and incomprehensible reasons, while responding to the issue of Pension Revision raised by Respected Sh. Subarrayan Ji, Hon'ble MP.

Sub Rule 26 of rule 37 emphatically states that nothing contained in Sub Rules 18 to 27 shall apply in the case of conversion of Departments of Telecom Operations and Telecom Services into BSNL and MTNL, in which case the Pensionary Benefits including Family Pension Shall be paid by the Govt.

Sub Rule 27 of Rule 37 For the payment of Pensionary Benefits including Family pension referred to in Sub Rule 26, the Government shall specify the arrangements and the manner including the rate of pensionary contributions to be made by BSNL and MTNL to the Government and the manner in which financial liabilities on this account shall be met.

Sub Rule 28 of Rule 37 The arrangements under Sub Rule 27 shall be applicable to the existing pensioners and to the employees who are deemed to have retired from the Government Service for absorption in BSNL/MTNL and shall not apply to the employees directly recruited by BSNL and MTNL for whom they shall devise their own pension schemes and make arrangements for funding and disbursing the pensionary benefits.

As far as issue of rate of payment of Pensionary contributions by BSNL/MTNL to the Govt., specified in Sub Rule 27, is concerned, it is extremely pertinent and significant to mention that BSNL/MTNL has been paying pension contribution of its employees to the Govt. at the maximum of their IDA scales in stark contrast to Pension Contribution being paid by Central Govt. Employees only on their actual basic pay. Further, the financial liabilities on this account are fully met by BSNL/MTNL entirely on their own.

Hon'ble Sir, having apprised of above mentioned crucial facts, we are intrigued and baffled as to how these relevant and significant provisions of sub rule 26, 27 and 28 which render application of general sub rule 5 totally redundant vis-a-vis BSNL/MTNL pensioners were suppressed and the entire emphasis was placed on redundant general Sub Rule 5 of Rule 37 in an unwarranted manner.

Sir, sub rule 26, 27 and 28 are very specific in their application only to BSNL/MTNL pensioners and fully safeguard and place BSNL/MTNL pensioners upon their retirement fully at par with Central Govt. Pensioners in terms of CCS Pension Rules 21. General Sub Rule 5 is applicable only to Govt. Employees having taken absorption in PSUs other than BSNL/MTNL since they are not protected by Sub Rules 26,27 and 28 of Rule 37 of CCS pension Rules 21. These specific provisions have been incorporated and drafted in Rule 37 exclusively for DOT employees having taken absorption in BSNL/MTNL in the year 2000 and are not applicable to any other category of Govt. Employees having taken absorption in various other PSUs.

Thus, the provisions of Sub Rules 26, 27 and 28 of Rule 37 along with holistic application of CCS pension Rules 2021 are exclusively only applicable to BSNL/MTNL pensioners and these exclusive and specific provisions unarguably, unquestionably, unmistakably and in no uncertain terms fully restore the status of a BSNL/MTNL pensioner as a Central Govt. Pensioner upon his retirement from BSNLMTNL. Sub Rule 5 of Rule 37 has applicability for other Govt Employees having taken absorption in PSUs other than BSNL/MTNL since they are not protected by Sub Rules 26,27 and 28 of Rule 37 and are not covered by CCS Pension Rules 2021. DOT employees having taken absorption in BSNLMTNL are uniquely placed and restoration of their status as Central Govt. Pensioners upon their retirement is unambiguously protected.

Hon'ble Sir Keeping in view the aforesaid mentioned facts, it is humbly submitted that the concerned officers may please be directed to place facts relating to the issue of Pension Revision of BSNL/MTNL in their entirety and not to place perverse provisions having no relevance to BSNL/MTNL pensioners by concealing and downplaying relevant and crucial provisions that place BSNL/MTNL pensioners uniquely and distinctly vis-à-vis other Govt. Employees having taken absorption in PSUs other than BSNL/MTNL.

With kind regards

Sincerely yours,



(G.L.Jogi)

Copy to

1. Res Sh. Ashwani Vaishnaw ji, Hon. MOC for kind information & n/a pl.
2. Res Sh. Subarrayan Ji , Hon MP for kind information pl.
3. Res Sh. K. Rajaraman Ji, Secy(T), for kind information & n/a pl.
4. Res. ShPradip Padhye Ji, Member (F)/DOT for kind information & n/a pl.
5. Resp. Sh.Nizamul Haq Ji, Member(S)/ DOT, for kind information &n/a pl.
6. Res. Sh, V.L. kantha Rao Ji, AS(T), for kind information & n/a pl.
7. Res. Sh. P.K Purwar Ji, CMD/BSNL, for kind information please.
8. Res. Sh, Arvind Vadnerkar Ji, Dir(HR)/BSNL, for kind information pl.
9. Res. DDG(PM)/DOT, for kind information & n/a pl.