Meeting under the chairmanship of Member (S) on 17/10/22

1) Respected Chairman, On behalf of the 9 signatories of the letter dated 14/9/22 to Secretary (T) requesting for such a meeting we submit the following points for your consideration please.

2) At the outset, we express our sincere thanks for convening this meeting with pensioners' associations, the stake-holders, to discuss about the pension revision from 1/1/2017. Better late than never. We hope that proper 'Minutes' would be issued after this meeting.

3) But, at the same time we feel that the agenda should have been "pension revision from 1/1/2017" instead of 3rd PRC or 7th CPC because some associations demanded 7th CPC fitment factor and some associations demanded 3rd PRC. DoT is not expected to have any prejudiced mind-set.

4) There is no terms of reference in 3rd PRC for 'pension revision'. Though sincere efforts were made by DoT for inclusion in terms of reference, DPE did not agreeas a matter of policy.

5) But 7th CPC terms of reference includes 'pension revision'

6) It is understood that DoT in consultation with DoP&PW has decided to delink pension revision from pay revision. If that is so, we are thankful for taking a pragmatic approach. This may be confirmed.

7) It is also understood that DoT proposed for zero percent fitment for pension revision. If it is so, we are totally against it and infact no one can accept because there is no benefit.

8) We request DoT not tc go ahead with zero percent fitment.

9) We insist 7th CPC fitment factor for pension revision (the basic pension as on 1/1/2017 be multiplied by 2.515 factor) because there are enough justifications, involving a principle and provides a permanent solution,

10) 7th CPC formula of pension revision is applicable not only to C.G pensioners but also CPSE pensioners (of course the interpretation of DoP&PW is that it is applicable for those who follow CDA pattern).

11) 7th CPC fitment benefit can't be denied to absorbed BSNL/MTNL pensioners because they are having IDA pattern. Switching over from CDA pattern to IDA pattern is to comply with Hon. Supreme Court verdict dated 3/5/1990 followed by DPE guidelines dated 12/6/1990.

12) The Division bench of Hon Kerala High Court delivered a judgement on 3/3/2016 in W.A.No.1418 of 2015 & Cont. case © No 1536 of 2010. Para 29 of that judgement says **"IDA pay scale, which was last drawn salary of the petitioner is the basis of computation of retirement benefits which is extended to him akin to C.G. employees. Whether the petitioner is** treated as IDA retiree or CDA retiree is not the real issue and the real issue is as to in which pay scale, the petitioner has drawn his last salary which is to form the basis of computation of retiral benefits which is admissible to persons similar to those C.G. employees".

13) Even though the employees of Delhi Electric Supply Undertaking (DESU), a CPSE, are drawing more pay than C.G employees, 7th CPC fitment factor was made applicable to them by Department of Power, Govt. of National Capital Territory of Delhi vide No.F.11(62)/2015/Power/743-751 dated 19/2/2020.

14) Before formation of BSNL, Cabinet Memo prepared by DoT dated 25/9/2000 para 4.4 (i) states **"All employees will be entitled to Government's scheme of pension/family pension even after their absorption"** On approval by the Cabinet, CCS (Pension) Rules, 1972 was amended on 30/9/2000 accordingly.

15) Most of the 6th CPC recommendations were made applicable after obtaining a clarification from DoP&PW. The nodal department clarified that it is unique for BSNL/MTNL.

16) None of the CPSE retirees are entitled for CGHS facility other than BSNL/MTNL retirees who are getting pension from Central Civil Estimate. Even serving employees of BSNL/MTNL are not eligible for this facility because their salary is paid from the respective CPSE.

17) There are three components of Retirement benefits viz Commutation, Gratuity & Pension. When Commutation & Gratuity is paid at par with C.G. pensioners, there is no logic or rationale to deny third benefit of pension at par with C.G. pensioners.

18) Sub-rule 4 of Rule 37-A of CCS (Pension) Rules, 1972 or sub-rule 5 of Rule 37 of CCS (Pension) Rules, 2021 is against the law of the land. A similar provision in para 4 of DoP&PW OM dated 5/3/1987 was quashed by a four member bench of Hon Supreme Court headed by Justice K Venkatasami on 15/12/1995. Hon Supreme Court verdict dated 10/2/2010 in CC No.6523 of 2009 (UoI & Anr Vs P N Natarajan & Ors) of FCI retired employees case is another example.

19) In view of the above facts, we request DoT to revise the basic pension of pre- 2017 retirees with a multiplying factor of 2.515

20) For post-2017 retirees, in-view of no pay revision, their pension may also be multiplied by the same multiplying factor of 2.515 to avoid any anomaly in pension.

1) (P. GANGADHARA RAO)
GS. AIBSNLPWA.

2) (G.L. JOGI)
GS/SNPWA

3) (PRAMOD RAI)
GS. AIBSNLEWA

4) (A.K. Kaushik)
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5) J. S Yadav
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6) V.P. PRAJAPATI
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