

PENSIONERS' PATRIKA

पेंशनर्स
पत्रिका

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Leading
Hosts

ENTHUSIASTIC CELEBRATIONS

Branches of AIBSNLPWA celebrated 16th Formation Day of the Association in August 2024 enthusiastically. Few photos of the events are given below.



Ernakulam



Chennai



Bangalore



Bhubaneshwar



Visakhapatnam



Kolkata



Lucknow



Satara

PENSIONERS PATRIKA

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Editorial

JUSTICE A MIRAGE मृगतृष्णा ?

"The delay in serving justice has come across as the biggest challenge and the judiciary is working with utmost seriousness in this direction." Thus said our beloved Prime Minister on 15th October 2022 inaugurating a conference in Gujarat. Public eloquence is a political indispensability. Much water has flown through Sabarmati during the two years. But Department of Telecom or the Communication Minister did not honour his words. Even Shri Ashvini Vaishnav, the 'much efficient' Minister, did not.

BSNL/MTNL retirees got their pension revised last from 1-1-2007. Almost 18 years ago. Four lakhs families are waiting. Many left this world without seeing the light of justice. The dead cannot cry from the Nigambodh ghat on the banks of Yamuna. Justice shall never be served to them by any government howsoever gracious it is. BSNL/MTNL retirees won the case one year ago. But justice has not yet reached them. Appeal against the CAT judgement was filed belatedly. The case is adjourned again and again on one reason or the other. We were quite conscious of the delay when we approached the Court of Law. We had no alternative. When all other attempts failed we were compelled to opt litigation as the last resort. We won the battle but justice is denied by the acriminous bureaucracy.

"Justice too long delayed is justice denied," is a principle resonating deeply within the Indian judicial system. Despite India's constitutional promise of social, economic and political justice for all citizens, the system struggles with a significant backlog of approximately five crore pending cases. This delay not only undermines individual lives but also perpetuates a belief that civil suits can become intergenerational inheritances. Delayed justice undermines the rule of law and public trust in the judiciary. Delays in justice affect individuals' liberty, imposing psychological, economic and social burdens, undermining the protection of fundamental human rights. It is still grave when affected people are old citizens. India, the world's largest democracy with the most extensive constitution, has yet to ensure effective and timely justice for its citizens even after 75 years of independence. Most of the BSNL/MTNL retirees are aged 75 years or more.



PENSION REVISION CASE

Delay in justice delivery is a national issue under debate at different levels. The delay is a weapon in the hands of influential people to deny justice. When we filed the case before CAT we were aware of this danger. But *legal remedy* was the last resort before us in the given situation. With meticulous planning and prompt actions we could get a favourable judgement from CAT Principal Bench within two and a half years. Still justice remains elusive. Department of Telecom filed an Appeal in High Court of Delhi. The WP filed by DoT was accepted January and posted to 5-4-2024. On that day it was adjourned to 12-7-2024. To avoid delay we engaged a senior lawyer, though it is expensive. As a result, within three months the case was taken up eight times as on 12-07-2024, 01-08-2024, 08-08-2024, 12-08-2024, 23-08-2024, 04-09-2024, 23-09-2024, 08-10-2024

On 23-9-2024 the case was adjourned as one of the judges who were hearing the case was promoted as Chief Justice of MP High Court. The case was posted to 8th October 2024.

On 8th October 2024, the case came up before a bench

consisting of two new judges. After short arguments the case was adjourned to 21-11-2024 for final disposal.

No Stay

On 8-10-2024, during the argument the judge reiterated that High Court has not stayed the judgement of CAT.

Even the Senior Officers are helpless

Senior officers in Central services, retired from S-30 Scale (5th CPC) had an anomaly in pension after the 6th CPC report was implemented from 1-1-2006. They negotiated for some time. Then in 2009 they filed a case in CAT New Delhi. CAT gave an order on 20-11-2024 in their favour. Government filed a Review Petition. CAT rejected it. Government filed an Appeal in Delhi High Court. As usual, it was delayed. On 20-3-2024 High Court dismissed the Appeal by Government. Again the Government filed an SLP before Supreme Court. On 4th October 2024, Supreme Court dismissed the SLP. Anomaly exists from 2006. Legal battle started in 2009. 15 years. Even the retired senior officers are in the Court. Once the Boss the influential man also is neglected after retirement.

CWC Meeting

CWC meeting was held at Patiala on 11th and 12th September 2024. Punjab Circle comrades made very good

arrangements for the stay and food of CWC members and also for the meeting. Report on the meeting and resolutions adopted by it are published elsewhere in this Patrika.

Donations to Relief Fund

Our members donated more than Rs 53 lakhs to the Kerala Chief Minister's Distress Relief Fund. Now Vijayawada and Guntur and nearby areas have witnessed the fury of Nature. Patiala CWC has decided to call upon our members to send maximum donations for Andhra Chief Minister's Relief Fund. The Dist. Units may route the donations through Circles. Circles are requested to remit the amount so received in full to CHQ latest by 31-10-2024. CHQ will publish the details of donations received in WA Groups soon after 31-10-2024. AIBSNLPWA is a welfare association and we have established, time and again, that it is really a welfare organization.

Pensioners Day

Pensioners in India observe 17th December every year as Pensioners Day. A write up on the matter by Com. PSR is given in this issue. Many branches in Andhra used to organize charity work on the day. CHQ calls upon our branches to organise such programmes and also to hold meetings and discuss about the great contributions made by late Shri D S Nakara for getting the

landmark judgement from the Supreme Court, its impact on the generations of pensioners and about our pension revision issue.

DLC Campaign

In November 2023, the DoP&PW had organized a nationwide DLC campaign in 100 cities. Our Association, with 67 volunteers from Karnataka, contributed by generating a total of 3094 DLCs during this period. The details which include names of the volunteers, their Mobile Phone numbers, and the DLCs generated by each individual were submitted to the Department in April 2024. It is suggested that all circles organize a similar DLC campaign in November 2024. While many circles are conducting such campaigns, maintaining and uploading detailed records to the portal are crucial. The Department will provide a username and password for data entry and management. Additionally, a token incentive will be awarded to volunteers by the Department. As the largest association representing telecom pensioners, let us take this opportunity to enhance our contribution and visibility. In case District Units need any guidance in the matter they may contact the General Secretary.

Commutation:

Resolution adopted by CWC meeting is published in page 23. CHQ has called upon District Units of collect data from all

those who are affected. Those who retired before 2010 have already paid back 180 instalments. There is little scope of Court giving any direction to reimburse the amount paid under extant rules. Those who retired after 2015 have paid back 120 instalments. They will mostly be benefitted by the case. It is a laborious job to get the particulars and signature of about a lakh of people all over India, distribute vakalathnama to all, then collect them all back and finally file a case. The lawyers may demand huge fees also. We are exploring all options. Staff Side in JCM has also taken up this common case.

Notional Increment case

Yet this is another common case, taken up by Staff Side in JCM (National Council). Earlier, Karnataka High Court gave an order in favour of one pensioner of the Karnataka Power Transmission Corporation Ltd. KPTCL went to Supreme Court with SLP and Apex Court dismissed the SLP on 11th April 2023. Supreme Court again has issued some clarifications on 6-9-2024 to provide clarity and prevent further litigation, 1) that others who are not party to any case can get benefit of notional increment but arrears shall be only from 1-5-2023! 2) that retirees who filed and won writ petitions will receive enhanced pensions based on the court's previous judgements 3) that cases under appeal or

where the judgment is not final will not receive the benefit until the case is resolved. This interim order of Supreme Court has reduced the monetary benefit in the case of those who do not approach Courts. Staff Side, in a letter, has pointed out above interim order of Supreme Court. HC of Allahabad also gave an order for counting the notional increment for pension. Recently Allahabad, Chennai and Chandigarh benches of CAT have given favourable judgements to some BSNL pensioners.

On 14-10-2024, Department of Personnel has issued an Office Memorandum, rather some guidelines, on the matter taking advantage of the Supreme Court directions and the demand from Staff Side. The OM and comments on the same are published in pages 16-18.

Ayushman Bharat

Those who have taken insurance from Private Healthcare insurance firms can join the Ayushman Bharat without surrendering those Insurance schemes. But the CGHS beneficiaries must surrender CGHS card to join it. This discrimination cannot be justified. Staff Side of JCM has demanded that CGHS/ECHS card holders also be allowed to join Ayushman Bharat without surrendering the CGHS/ECHS cards.

**V Vara Prasad,
General Secretary.**

10-10-2024

PATIALA CWC RESOLUTION ON
PENSION REVISION

Taking into consideration of the views expressed by CWC members, the Central Working Committee of All India BSNL Pensioners' Welfare Association held at Patiala, Punjab, on 11th & 12th September 2024 under the presidentship of Shri D Gopalakrishnan appreciates the CHQ for taking earnest efforts for achieving the pension revision as per the direction of Ahmedabad CWC.

The CWC records its sincere appreciation and thanks to all members who responded magnificently for the call given by CHQ for legal fund. No other organization can even dream of such a huge response.

The CWC also wholeheartedly appreciate the sister organizations like DoT/ BSNL Pensioners' Association, Kerala, AFSOA, Hyderabad, Bengaluru and some other organizations who voluntarily contributed to our legal fund. It is nothing but a recognition of our sincere efforts to achieve the pension revision on a principle that ensures permanent solution.

The CWC unanimously decided and directed the CHQ

- To pursue the legal battle and take it to its logical end
- To continue the steps for political intervention for securing pension revision on the basis of 7th CPC fitment factor which would be a permanent solution.
- To continue the efforts with DoT for implementation of PB, CAT judgement and request DoT to give-up its negative attitude in the interest of pensioners who served Telecom Department and built the strong infrastructure
- To give a call for agitation, in the event of a favourable judgement from Delhi High Court and if DoT refuse to honour the constitutional court order.



A BRIEF REPORT ON PATIALA CWC MEETING

All the resolutions adopted by CWC are given elsewhere in this issue of Patrika. Letters written by GS based on the Resolutions were circulated through whatsapp Groups. Hence, only a brief report on CWC meeting is given hereunder.

CWC meeting was held on 11th and 12th September 2024 in Hotel Flyover, near the famous Gurdwara Dukh Nivaran Sahib, Patiala. The Meeting started at 10.15 AM on 11th with a warm welcome speech by Com. G S Bajwa, Circle Secretary Punjab. Reception Committee garlanded Coms. P S Ramankutty, D Gopalakrishnan, V Vara Prasad, P Gangadhara Rao and Anupam Kaul.

Com. D Gopalakrishnan, CHQ President presided over. House approved the agenda with some changes.

CHQ Office bearers Com B Arunachalam, K Muthyalu, G Babu and Gyan Singh intimated their inability to attend as also Circle Secretaries of Chattisgarh, Karnataka, Delhi, Rajasthan and West Bengal. Karnataka Circle was represented by Com Jaya Shankar Asst Circle Secretary. All others were present in the meeting. President declared that the House was in order.

CWC paid tributes to comrades departed during the period like R N Singh (AGS), Mallisetti Janardhana Rao of AP, Pitchai Mohan Raj and Sampath Kumar of Chennai, S C Chourishya of Ajmer and also those who

lost lives due to natural disasters that struck many parts of our country in the recent past. Participants stood in silence for a minute paying homage to the departed.

Report and Accounts:

Thereafter General Secretary read out the Report and Treasurer presented the audited Accounts for the year 2023-24 and unaudited Accounts for the period from April 2024 to August 2024. A brief Note by CHQ President also was distributed to the CWC members.

Open Session

Open Session was held thereafter attended by good number of comrades from all over Punjab Circle with enthusiasm. Com G S Bajwa Circle Secretary Punjab welcomed the gathering.

Com P S Raman Kutty, Advisor, delivered a notable address. He highlighted the 15-year history of the AIBSNLPWA, emphasizing its significant achievements in settling numerous pension and family pension cases. Criticizing the government's "Atma Nirbhar Bharat" policy as being selectively applied to BSNL while excluding JIO and AIRTEL, he reaffirmed the association's commitment to pension revision. Reflecting on past actions—

including agitation, negotiation, litigation, and recent CAT judgments—he expressed confidence in a favorable High Court ruling and readiness to appeal to the Supreme Court if necessary. Com P S Raman Kutty also praised the generous donations to the legal fund and the aid provided to Wayanad disaster victims. In conclusion, he affirmed the association's fighting spirit, likening it to the resilient farmers and fighters of Punjab, and expressed optimism about continued success in their endeavors.

General Secretary V. Vara Prasad expressed his gratitude to the Punjab Circle for organizing the event. He highlighted Punjab Circle's remarkable achievement of having the highest membership outside the southern regions, with 3,125 members and 16 branches. He underscored the association's decade-long struggle for pension revision. He emphasized the association's broader social contributions during disasters in Wayanad. Despite a favorable judgment from CAT on pension revision, DOT's decision to appeal the verdict has caused delays, compelling the association to prepare for a long legal battle in higher courts. The General Secretary called for younger retirees to engage more actively in the association. We have associated with Bharat Pensioners Samaj (BPS), where Com Anupam Kaul has been nominated as Vice President.

CHQ president outlined the issues in brief and asked Dy. GS to speak in Hindi as the local comrades can easily understand.

Com Anupam Kaul, the Deputy General Secretary, delivered an impassioned speech emphasizing the historical and cultural

importance of Punjab. He highlighted the challenges faced in negotiating pension revision, specifically pointing out that ITS officers in DOT have been resistant to the idea of revising pension. He shared insights from discussions with DOT, explaining them in both Hindi and Punjabi for the audience. He ended his speech on a motivational note, using Hindi proverbs.

President Com D GopalaKrishnan invited members to provide concise opinions on three major issues: **Pension Revision, Notional Increment, and Restoration of Commutation Amount**. He specifically requested that members focus on offering practicable opinions without delving too deeply into details. This approach was intended to facilitate efficient discussions and allow the CWC to gather specific responses and suggestions on how best to address these critical issues in future. Open session ended following lunch served to all.

Afternoon Session took up the major three issues viz. Pension Revision, Grant of Notional increment for pension, and Reduction of Commutation Period for debate. Participating in the debate that followed, Comrades. D. Venkateswara Rao, S. Bhattacharjee, H. N. Singh, S Thangaraj, Anupam Kaul, R R Verma, J. S. Malik, B. D. Sharma, Naresh Lal, Jaya Shankar, T. P. George, V. S. Thakur, Narendar, B N Behra, G S Bajwa, Upender, Sundara Krishnan, Mahatma Pathak and Kailash Gautam extended full support to the efforts being taken by CHQ. Then CHQ Office bearers Coms. J K Tripathi, Rajasekhara Reddy, V Ratna, M Ranganathan, P Venugopal, M R Patnaik, Rajendra Chaudary, Hosamani, Sudhakara Rao, R S N Murthy, R N Pada Nair and Jayaraman participated in the discussion.

There was overwhelming support for the CHQ's leadership and decisions, with most Comrades agreeing to follow CHQ's guidance for legal action. Legal battles for pension-related issues seem to be the primary course of action, alongside political pressure.

Resolutions: Copies of all the resolutions adopted unanimously by the CWC are given elsewhere in this Patrika..

The meeting adjourned at 19:25.

12-09-2024

DLC Generation and Campaign

Com P Gangadhar Rao and Com. DG gave details of DLC campaign conducted by Karnataka, Tamil Nadu, Telangana, and AP Circles. However, the issue is that many districts are not reporting their efforts to CHQ.

General Secretary stressed the importance of maintaining proper records and reporting DLC efforts to CHQ. This will help organize the campaign better and strengthen the organization's outreach by directly engaging with consumers. Com Upender, CS Telangana explained the technical difficulties faced in executing DLC tasks, especially issues like smartphone accessibility.

All our units across the country should participate in the Nation-wide DLC campaign as per the program decided by DOP&PW and submit reports to CHQ, GS asserted.

Organisational Matters

MP Circle Dispute

GS explained the matter. Thereafter Com. Saket Shukla (Org Secretary) and Com. V S

Thakur (CS MP) were given opportunity to react. Comrades Gangadhara Rao, J S Dahiya, Atmaram Verma, R S N Murty, Sundarakrishnan and J K Tripithi participated in the discussion followed.

Com President: The election dispute in MP is settled. Financial discipline must be maintained and the unjustified excess money spent by Com. Sharma should be recovered.

Decision: GS will issue a formal notice to Circle Secretary, MP to take appropriate action to recover the excess amount spent by previous Circle Secretary and Circle Treasurer and supply a copy of the report from Fact Finding Committee to the Circle Secretary of MP. If the money is not recovered and credited to Circle Fund before 31-12-2024 the CWC will meet virtually and take suitable action.

Next All India Conference

Com George (CS, Kerala): Volunteered to host the next All India Conference in Kerala and requested Com PSR to elaborate.

Com PSR: Mentioned that Kerala CEC meeting discussed the matter and agreed to host next AIC in Kerala, preferably in Kochi. He also mentioned about difficulty in getting suitable accommodation and the huge expenditure for holding a conference in Kerala. He wanted that the number of delegates should be restricted strictly as per constitution. He pointed out that due to lack of Lodges and high cost Reception Committee may not be able to arrange accommodation for visitors.

Decision: CHQ will call for an AIC fund of Rs 100 per member to support the

Reception Committee. It was decided unanimously to hold the AIC in Ernakulam, with delegate selection adhering strictly to the constitution guidelines. Delegate fee will be decided afterwards.

Com Muthyalu message

General Secretary informed the house that a message was received on 9-9-2024 from Com K Muthyalu Vice President CHQ about his not attending the CWC and the contents were read out in CWC. As per Com. K. Muthyalu he would not attend the Patiala CWC as a protest against the attitude of President Com. DG during the last CWC held about a year ago. His message has been widely circulated in whatsapp groups in Tamil Nadu with Logo of the Association and Photo of GS before the CWC met.

Before the matter was taken up Com. DG vacated the chair for VP Com. Gangadhara Rao. On a request from the chair Com. PSR spoke in detail about the background in which AIBSNLPWA was formed at national level and the role played by different leaders in the efforts. (Speech of Com. PSR is published elsewhere.)

After some discussion it was decided that

Circulating dissenting views to ordinary members through open forums during a CWC meeting is considered deplorable, unnecessary, and unwarranted. The CWC cautions that any repetition of these actions will be viewed very seriously and may lead to appropriate action if necessary. GS should give a reply accordingly and circulate the same to CWC members through whatsapp.

Pensioners' Patrika

Editorial Board of the Patrika was then reconstituted with CHQ Advisor, CHQ President, General Secretary and All India Treasurer with unanimous approval of CWC. Com PSR wants this work to be taken up by some body as he is unable to type the matter correctly. Com Latha and Com Venugopal offered to assist.

Vacancies

Com B D Sharma requested for one CWC member from Himachal. Com Gangadhara Rao told that as there is no vacancy it is not possible now. CWC co-opted Com V D Mishra as AGS in the vacancy caused by demise of Com R N Singh of Jharkhand.

Bharat Pensioner Samaj

Zero Subscription membership is offered by Bharat Pensioner Samaj to AIBSNLPWA. Our members may submit the application, the proforma will be supplied through Whatsapp to Circles. The offer is approved by CWC.

Membership Growth

General Secretary: AIBSNLPWA, the largest and most vibrant organization in Telecom, has crossed 78,000 paid-up members due to its democratic functioning, financial transparency, and responsive approach to individual concerns. The association also demonstrates social responsibility, exemplified by raising over Rs. 50 lakhs for Kerala CMDRF during the Wayanad tragedy. While Tamil Nadu leads in membership, growth is noted in Gujarat, Maharashtra, UP West, and Punjab, though some circles are stagnating. Kerala sets a model for virtual and physical meetings, ensuring financial discipline and expanding grassroots participation. The CWC urges all District Units

to set membership targets before the next AIC. GS suggested to open more and more branches and urged the organization to actively engage younger members.

Other issues

In the debate that followed, Com R N Pada Nair, Com. Nareshlal and Com. J N Dubey pointed out problems related to BSNLMRS. Coms. Sundarakrishnan, Thangaraj, Atmaram Verma and Kailash Gautam spoke on CGHS problems. CS, AP wanted pension cases of comrades living in AP and retired from STP, STR etc be transferred to AP CCA. Com. Jayashankar spoke on DLC campaign conducted and membership drive in Karnataka. Com. Latha spoke on charity work undertaken and Com. Savitha spoke on Patrika. Com. Dahiya spoke on the work done by him regarding Society issues of Chennai. Com. M R Patnaik spoke on LPD issue. Com. Rajasekhara Reddy pointed out the problem of RM-NEPP. Com. B D Sharma mentioned about TNF Plan 199.

President informed the house that hearing on Contempt petition in PB CAT scheduled for the day is adjourned to 18-10-2024. Also he informed that GS of CPIM, Com. Sitaram Yechury passed away. House observed silence as mark of respect to the departed leader.

President: Membership register should be maintained at District level if possible digitally. Quotas to be sent promptly. Moneys collected for a particular purpose should be used for that purpose only.

Vijayawada Floods

General Secretary informed about the Vijayawada Flash floods following heavy rains

on last days of August 2024 and early days of September 2024 submerging various localities in Vijayawada affecting 450000 people and about 50000 families. The unprecedented flood has severely damaged property, submerging streets and homes and destroyed personal belongings. Our Association should raise donations to support the flood victims and total amount of donations so received through Districts-Circles-CHQ by 31st October 2024 can be made over to AP CM within next 15 days. CWC unanimously approved the appeal. GS shall issue an urgent appeal for donations.

Com PGR: Cheque for Rs One Lakh may be given to Vijayawada Flood relief in advance through the MP of Vijayawada. House approved the proposal.

Conclusion

General Secretary winding up the discussion thanked the Kerala Circle for holding the next AIC. All the issues raised here and given in writing through letter/reports will be processed in a suitable way.

He thanked all for the cooperation for the success of CWC. GS congratulated the CS Punjab and thanked him and his entire team for nice preparations and arrangements for the CWC meeting including accommodation and food etc. Proposal to appreciate Punjab Circle through a resolution was approved. President also thanked Punjab circle and all CWC members for passing all resolutions unanimously.

Punjab Circle Secretary Com G S Bajwa thanked CHQ for holding the CWC at Patiala in Punjab. Meeting ended with National Anthem at 17 hours.



SUPPORT FLOOD RELIEFS IN VIJAYAWADA, SPECIAL APPEAL

**We, Govt pensioners, are blessed ones.
Think of those people who lost their dear ones,
lost their houses, lost their clothes,
lost their jobs, lost their livelihood**

**They are seeking our benevolence.
Unexpected floods miseries to millions.
Let us render little monetary help.**

Devastation in cities of Vijayawada and Guntur.

This disaster, which began with intense monsoon rains at the end of August 2024 has caused widespread devastation in the areas of Vijayawada and Guntur. The flooding has severely affected approximately 4,50,000 people damaging property and infrastructure, including the homes of many of our BSNL retirees. In response to this unprecedented calamity, CWC held at Patiala on 11th and 12th September 2024 calls upon our units for Flood Relief Donations.

District Units may collect the donations from our members, send to circle and Circles will remit the same to CHQ Account latest by October 31, 2024. CHQ shall remit the total amount by Cheque to AP Chief Ministers' Relief Fund promptly by hand to CM AP.

15-09-2024

**V. Vara Prasad, General Secretary
AIBSNLPWA| CHQ|**

17, December PENSIONERS DAY

P S Ramankutty

Pensioners Community in India observe 17th December every year as 'Pensioners Day'. Because it was on 17th December 1982 the Supreme Court of India pronounced the landmark judgement in 'Nakara Case'. During my stay in New Delhi for 15 years from 1988 to 2002 I never heard the name of Mr. D S Nakara in Unions' platforms. I heard his name for first time in 2005 in a meeting of Pensioners Organizations in Bangalore which met to prepare common memorandum to the 6th CPC.

Nakara Case:

Mr. D S Nakara retired in 1972 as Financial Advisor in Ministry of Defence. He was not a union leader. Rear Admiral Mr. Satyendra Singh retired from Navy also in 1972. At that time, Maximum Pension permissible in central services was Rs. 675 per month, (or Rs. 8100 per year). In 1976, Government raised this limit to Rs. 12000 per year, Rs. 1000 per month. Again in 1979, Government while introducing a Liberalised Pension Scheme raised the maximum limit to Rs. 1500 per month. But, the benefit was not given to pensioners retired earlier. New Liberalised Pension scheme was made effective only for those who were in service on 31-3-1979. As such, Mr. Nakara and Mr. Satyendra Singh continued to draw basic pension of Rs. 675 per month while their juniors retired after 31-3-1979 from same grade got Rs. 1500. Both the above retired officers approached the Supreme Court directly against the injustice. **Common Cause**, a Registered Society headed by late Mr. H D Shourie (father of Mr. Arun Shourie, who always talked against statutory pension) also joined party in the case. Supreme Court delivered its judgement on 17th December 1982. It could have been just another case on service matter, but for the perfect

Original Petition prepared and placed before the Court by the Petitioners. They raised basic issues like; *What is pension? Why it should be paid by the Government? What is purpose of paying pension? How much should be paid? How long it should be paid?* Etc. Naturally, Supreme Court had to settle these basic issues. Hence the case became important. It was a time when India derived certain significant benefits from the judicial activism, initiated by great jurists like Late Justice Y V Chandrachud, Justice (Rtd) Mr. V R Krishna Iyer and others. Since Mr. Nakara and others raised very basic issues in their petition, the Apex Court constituted a Constitution Bench to hear the case. The panel of judges in the Bench consisted of Justice Chandrachud himself, J. D A Desai, J. V D Tulsapurkar, J. O Chinnappa Reddy, and J. Bahrul Islam.

Relief granted:

The Supreme Court granted the relief to the petitioners, Mr. Nakara and Mr. Satyendra Singh. It declared that both of them were entitled to the maximum basic pension of Rs. 1500 per month. Court declared that the pensioners cannot be classified in to different groups based on the date of their retirement. When pension was revised subsequently, implementing reports of 4th CPC, 5th CPC and 6th CPC, Mr. Nakara got benefits of this judgement. It is understood, when he expired in 2009 at the age of 95 years Mr. Nakara was drawing a total pension of about Rs. 75,000.

'Magna Carta' for pensioners in India

The 1982 Judgement could have ended like thousands of similar judgements on service matters with some relief sought for by petitioners. But, it went beyond that. It provided

a very rich everlasting legacy to pensioners community in our country. Generations of Indian Pensioners are grateful to the petitioners for their unique initiative and for the pro-active approach adopted by the Hon'ble judges for delivering the landmark judgement, which was utilized time and again by number of pensioners and organisations seeking justice from the courts of law at different levels. Some extracts from the Judgement given below reveal its significance.

SOME EXTRACTS:

"..... pensioners form a class and there is no criterion on which classification of pensioners retiring prior to a specified date and retiring subsequent to that date can provide a rational principle correlated to object, viz., object underlying payment of pensions..."

Para 27 "the reasons underlying the grant of Pension are (i) as compensation to former members of the Armed Forces (ii) as old age retirement or disability benefits for civilian employees and (iii) as social security payments for the aged, disabled, or deceased citizens made in accordance with the rules governing social security programmes of the country. *Pensions under the third head are relatively of recent origin, though they are of the greatest great magnitude..."*

Page 31 ".... (i) *That Pension is neither a bounty nor a matter of grace* depending upon the sweet will of the employer and it creates a vested right subject to 1972 Rules which are statutory in character, because they are enacted in exercise of powers conferred by the Proviso to Art. 309 and clause (5) of Art. 148 of the Constitution; (ii) *that Pension is not an ex-gratia payment*, but it is a payment for the past service rendered; and (iii) it is a social welfare measure rendering socio-economic justice to those who in the heyday of their life ceaselessly toiled for the employer on assurance that in their old age, they would not be left in lurch..."

Para 26 "...A pension scheme consistent with available resources, must provide that the Pensioner would be able to live (i) *free from want and with decency, independence and self-respect* (ii) *at a standard equivalent at the pre-retirement level..."*

Para 46 "...All existing employees are brought on to the revised scales by adopting a theory of fitments and increments for past service. In other words, benefit of revised scale is not limited to those who enter service subsequent to the date fixed for introducing revised scales, but the benefit is extended to all in service prior to that date. That is just and fair. Now, if Pension is some kind of retirement wages for past service, can it be denied to those who retired earlier, revised retirement benefit being available to future retirees only? Therefore, there is no substance in making the scheme retroactive, because it is implicit in the theory of wages..."

IMPACT

Lakhs of pensioners were immensely benefitted by the recommendations of 4th, 5th, 6th & 7th CPCs that pension of all old pensioners was revised, based on the above judgement. When 4th CPC was constituted the issue of Pension revision was not part of its Terms of Reference. Afterward the issue was added. The Rajiv Gandhi Government formed a new Department for Pension in the office of Prime Minister itself. BSNL retirees got pension revision from 1-1-2007 because we pointed out the above judgement. We got the benefit of IDA merger (78.2% IDA) from 1-1-2007 based on it. When serving employees are given pay revision considering their past service, the past service rendered by retired people cannot be ignored. Pensioners cannot be divided and discriminated based on date of their retirement.

As such , 17th December is a date to be remembered by generations of Indian Pensioners. ●

ORDERS

SINGLE FORM 6A for ARREARS

**DoP&PW OM No55/13/2023-P&PW(C)(Part1)
dated 11.09.2024**

The undersigned is directed to refer to the Department of Pension and Pensioners' Welfare notification dated 16.07.2024 whereby Central Civil Services (Pension) Rules, 2021 were amended and a new Single Pension Application Form 'Form 6-A' was introduced for submission by retiring Central Government civil employees for sanction of pension under these rules. This Application 'Form 6-A' has replaced the existing 'Form 6' and also prescribed submission of nomination, family details, undertaking to banks and other details in the single form.

2.The Department of Pension and Pensioners' Welfare vide notification dated 28.03.2014 had introduced a Common Nomination Form 'Form- A' for Submission of nomination for Arrears of Pension and Commutation of Pension by the Central Government civil employees.

4. The new Single Pension Application Form 'Form 6-A', to be filled by retiring Central Government employees includes details of nomination for the Arrears of Pension and Commutation of Pension. Therefore, retiring Central Government employees are required to submit the nomination for these benefits in Form 6-A from the date of its effect as per notification dated 16.07.2024. The Common Nomination Form 'Form A' shall not be required to be submitted along with the Form 6-A

5.However, the Central Government pensioners/family pensioners shall continue to submit nomination for Arrears of Pension/Family Pension and Commutation

of Pension in Common Nomination Form 'Form A' in the cases where the nomination is submitted separately after the retirement or for any subsequent change in the nomination made earlier by the Central Government pensioner/family pensioner.

6.All Ministries / Departments are requested to bring the contents of these orders to the notice of Controller of Accounts/Pay and Accounts Officers and Attached Offices under them.

7.Formal amendments to the CCS (Commutation of Pension) Rules, 1981 and the Payment of Arrears of Pension (Nomination) Rules, 1983 in terms of the decisions contained in this order will be issued in due course.

PENSION CREDIT DELAY

OM CPAO/Banking Coord/Pension Disbursement/
2024-25/145-208 dated 20-9-2024

Attention is invited to the provisions contained in Para No. 11.1(vi) of 'Scheme for Payment of Pensions to Central Government Civil Pensioners by Authorized Banks' (Fifth Edition. July 2021) according to which **CPPCs of Authorized Banks are to credit the monthly pension/family pension in the account of pensioner/family pensioner by the last working day of the month** to which they relate except for the month of March for which it should be credited on the first working day of the succeeding month i.e. April.

From time to time, this office has been receiving grievances from pensioners as well as family pensioners about delay in credit of monthly pension/family pension into their accounts. Delay in credit of monthly pension/family pension causes avoidable financial hardship and anxiety to the old age pensioners/family pensioners.

The delay in credit of pension/family pension has been viewed very seriously. The CPPCs are hereby

instructed to ensure that the monthly pension/family pension is credited in the pensioners/family pensioners' accounts every month as per prescribed timelines. Any delay, in credit of pension/family pension beyond prescribed timeline will be viewed very seriously and necessary action, as deemed fit, will be taken.

In order to monitor timely disbursement of *pension/family pension* all the CPPCs are **instructed to furnish a report regarding credit of monthly pension/family pension electronically invariably by the forenoon of the last working day of the month.** The report can be submitted by logging to e-PPO site i.e. [https://eppo/nic.in](https://eppo.nic.in) in the steps are explained in the Annexure' attached.

NOTIONAL INCREMENT

Dept of Personnel & Training OM No 19/116/2024-Pers.Pol.(Pay)(Pt.) Dt. 14-10-2024

The undersigned is directed to say that in terms of Rule 10 of the Central Civil Services (Revise Pay) Rules, 2006, notified by D/o Expenditure vide Notification No. G.S.R. 622 (E) dated 29.08.2008, date of annual increment was made uniform viz. 1st July of every year with effect from 01.01.2006. It was subsequently decided vide Rule 10 (1) of the Central Civil Services (Revise Pay) Rules, 2016, notified by D/o Expenditure vide Notification No. G.S.R. 721 (E) dated 25.07.2016, that there shall be two dates for grant of increment namely 1st January and 1st July of every year.

2. Hon'ble High Court of Madras in its Order dated 15.09.2017 in W.P. No.15732 of 2017 - P. Ayyamperumal Vs Union of India & Ors. allowed grant of notional increment to the petitioner on the day following the date of his retirement from service for the purpose of calculation of pensionary benefits. Judgement in the case of Shri P. Ayyamperumal was implemented *in personam*. Following this, D/o Personnel and Training (DoPT) received a number of representations from the employees who

superannuated on 30th June/ 31st December claiming similar benefit. Large number of Court cases have also been filed before Hon'ble Administrative Tribunals, High Courts and Supreme Court on the subject matter.

3. The issue was examined in consultation with the nodal authorities concerned and with due regard to the relevant provisions in the Fundamental Rules (FRs) which regulate grant of increment to the Central Government employees. It is pertinent to note that FR 9(21)(a) defines 'pay' as the amount sanctioned to a Government servant for a post held by him substantively or in an officiating capacity or to which he is entitled by reason of his position in a cadre. FR 17 provides that subject to any exceptions specifically made in these Rules, an employee shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date, when he assumes the duties of that post and shall cease to draw them as soon as he ceases to discharge those duties. Further, FR 24 stipulates that an increment may be withheld from a Government servant if his conduct has not been good or his work has not been satisfactory. To summarise these Rule provisions, for availing the benefit of an increment on the date of its accrual, an employee should be in service, should have rendered satisfactory work and should have displayed good conduct during the period of qualifying service.

4. However, Hon'ble Supreme Court vide Order dated 11.04.2023 in Civil Appeal No.2471 of 2023 SLP (C) No. 6185/2020) - Director (Admn. and HR), KPTCL vs C.P.Mundinamani & Ors, upheld the Orders passed by the Division Bench of the Hon'ble High Court of Karnataka at Bengaluru in Writ Appeal No. 4193/2017 allowing grant of one annual increment, which the original writ petitioners earned on the last day of their service for rendering services during preceding one year from the date of retirement with good behaviour and efficiently, for the purpose of calculating the retiral benefits. However, Union of India was not among the Parties in the said case.

5. Subsequently, Hon'ble Supreme Court vide Order dated 19.05.2023 dismissed SLP(C) No.4722/2021 (UoI Vs M. Siddaraj) filed by M/O Railways on the subject matter with the observation that the appeals filed therein are squarely covered by the Order dated 11.04.2023 in CA No. 2471 of 2023. M/o Railways filed a Miscellaneous Application (MA No. 2400/2024) before the Hon'ble Supreme Court seeking guidance/ clarification regarding the modalities to be adopted while implementing its Order dated 19.05.2023. On 22.07.2024, while hearing the matter, Supreme Court ordered that the learned counsel for the Union of India shall examine as to whether Union of India needs to file an application in CA No.24Z1/2023 disposed of vide judgment dated 11.04.2023. After due legal consultations on the directions of the Apex Court, this Department filed a Petition (Dy. No. 36418/2024) before Supreme Court on 12.08.2024 seeking review of its Order dated 11.04.2023 which is pending before the Hon'ble Supreme Court.

6. Meanwhile, on 06.09.2024, while hearing MA No. 2400/2024 filed by M/O Railways along with several Intervention Applications tagged therewith, Hon'ble Supreme Court took note of the pending Petition (Dy. No. 86418/2024) filed by Union of India seeking review of its Order dated 11.04.2023 in CA No.2471/2023 in the matter. While observing that the issue raised in the applications requires consideration insofar as the date of applicability of the judgment dated 11.04.2023 in CA No. 2471/2023 to third parties is concerned, Hon'ble Court issued following directions, by way of an Interim Order, to prevent any further litigation and confusion:

"a. The judgment dated 11.04.2023 will be given effect to in case of third parties from the date of the judgment, that is, the pension by taking into account one increment will be payable on and after 01.05.2023. Enhanced pension for the period prior to 30.04.2023 (erroneously mentioned as 31.04.2023 in the Order) will not be paid.

b. For persons who have filed writ petitions and succeeded, the directions given in the said judgment will operate as res judicata, and accordingly, an enhanced pension by taking one increment would have to be paid.

c. The direction in (b) will not apply, where the judgment has not attained finality, and cases where an appeal has been preferred, or if filed, is entertained by the appellate court.

d. In case any retired employee has filed any application for intervention/impleadment in Civil Appeal No. 3933/2023 or any other writ petition and a beneficial order has been passed, the enhanced pension by including one increment will be payable from the month in which the application for intervention/impleadment was filed,

This interim order will continue till further orders of this Court. However, no person who has already received an enhanced pension including arrears, will be affected by the directions in (a), (c) and (d).

Relist in the week commencing 04.11.2024. "

7. The matter has been examined in consultation with D/o Expenditure and D/o Legal Affairs. It is advised that in pursuance of the Order dated 06.09.2024 of the Hon'ble Supreme Court referred above, action may be taken to allow the increment on 1st July/1st January to the Central Government employees who retired/are retiring a day before it became due i.e. on 30th June/31st December and have rendered the requisite qualifying service as on the date of their superannuation with satisfactory work and good conduct for calculating the pension admissible to them. As specifically mentioned in the Orders of the Hon'ble Supreme Court, grant of the notional increment on 1st January/1st July shall be reckoned only for the purpose of calculating the pension admissible and not for the purpose of calculation of other pensionary benefits.

8. It may also be noted that these instructions are being issued in compliance of the Interim Orders dated

06.09.2024 of the Hon'ble Supreme Court in MA Dy. No.2400/2024 without prejudice to the legal stand of the Union of India in the matter and without prejudice to any change of law in this regard. Further, the action taken shall be subject to the final outcome of the Review Petition (Dy. No.36418/2024) pending before the Hon'ble Supreme Court which is expected to be heard by the Apex Court in the week commencing 04.11.2024.

9. This issues with the concurrence of D/o Expenditure vide their Dy. No. 0809/201 dated 08.10.24 and D/o Legal Affairs vide Computer Dy. No. E 128445 dated 30.09.24.

Notes on the above OM

DoPT has released above OM only because of number of Court Cases.

In 2006, the uniform date of 1st July for the annual increments was introduced under Rule 10 of the CCS (Revised Pay) Rules, 2006. In 2016, this rule was amended to allow two possible dates for annual increments: 1st January and 1st July.

On 15-9-2017, Madras High Court ruled in favour of Shri P. Ayyamperumal of Customs Department, granting him the benefit of notional increment in calculation of **his pension**. Government went to Supreme Court with SLP against it and Supreme Court dismissed the SLP on 23-7-2018. Again, a Review Petition filed by Govt. was also dismissed by SC in 2019. Although this ruling applied only to Shri Ayyamperumal, it led to many similar petitions from other retirees in Tribunals, High Courts, and the Supreme Court. Sh. C P Mundianamani and others retired from Karnataka Power Transmission Corporation Ltd won similar case in Karnataka High Court. KPTCL went to Supreme Court and SC dismissed their SLP on 11-4-2023. Again, on 19-5-2023, the SC dismissed another SLP filed by Railways. When Supreme Court gave repeated

identical orders it should have been honoured by Government. It was not done. Justice was delayed.

Supreme Court Directions

On 6th September 2024, the Supreme Court issued interim orders to address the on-going confusion as:

(i) Effective Date: 11th April 2023 judgement applies to third-party employees from 1st May 2023 onward. No enhanced pensions will be paid for the period before 30th April 2023.

(ii) Successful Petitioners: Employees who won the cases will receive the enhanced pension.

(iii) Pending Appeals: The directive does not apply if the judgement is still under appeal.

(iv) Intervention Applications: Retired employees with pending applications will receive the enhanced pensions from the month of application.

(v) These interim orders remain in effect until further directions. Employees who have already received the enhanced pensions will not be affected.

In fact, the '**legal injury**' was caused from the very date of retirement of all the affected pensioners. Justice demands that any 'relief' to remove the said 'legal injury' should be granted from the date it was caused. If date of SC decision is the criterion, then, it should be 23-7-2018, not 1-5-2023. Worse it is, if someone approaches the Court for justice in future he will get the relief from the date on which case is registered. We fail to understand the rationale behind fixing such cut-off dates.

Implementation of Guidelines

The DoPT OM says that the notional increment shall be considered only for fixing pension, not for other retirement benefits. Moreover, it is subject to outcome of another case pending before the Supreme Court, which is expected to be heard in first week of November 2024. As such above OM is only a temporary measure.

News:

DIGITAL BHARAT NIDHI COMES; USO GOES

The Rs. 80,000 crore Digital Bharat Nidhi will now fund telecommunication services in urban areas, the central government said on 31-8-2024.

According to an official press release issued by the Centre on 2-9-2024, for the funds, the projects have to meet certain criteria, such as improving telecom service affordability and security. The funding will support mobile and broadband services, as well as telecommunication equipment. The scheme, under the Telecommunications Act 2023, was notified on 31st August 2024.

“These (the rules) include projects for the provision of telecommunication services, including mobile and broadband services and telecommunication equipment required for delivery of telecommunication services, and enhancing telecom security; improving access and affordability of telecom services... in underserved rural, remote and urban areas,” the statement said.

Universal Service Obligation (USO) introduced in 2003 is replaced by DBN now.

The Centre will provide the funds from the Consolidated Funds of India

(News appeared in **Business Standard** on 2-9-2024)



A meeting was held with the Hon'ble MP of Vijayawada, Sri Kesineni Sivanath (Chinni) in the chambers of MP's office at Vijayawada on 23-9-2024. Comrades V Vara Prasad, General Secretary, C Bhaskara Rao, District Secretary of Vijayawada, J Narayanachari, AP Circle Treasurer, and G Siva Nageswara Rao, District Treasurer have met him. During the meeting, a cheque of Rs 1,00,000 from the funds of the CHQ account, as decided in the Patiala CWC meeting, was handed over, drawn in favour of the AP Chief Minister's Relief Fund, as a contribution towards relief efforts for flood victims affected by the flash floods in and around Vijayawada.

The MP was also informed about the Special Appeal made to members across India, to contribute generously to this cause, to be realised by end October'24 reflecting the commitment to supporting communities in need.

Sri Kesineni Sivanath appreciated the efforts, accepted the cheque, and thanked the association.

He also expressed his willingness to meet us for any help regarding pensioners' issues in the future.

AYUSHMAN BHARAT

Big publicity hype is launched about the Ayushman Bharat. Formal orders have not yet come. on 20-9-2024, CEO of National Health Authority has sent a DO Letter to State governments seeking their cooperation. Our members should think 100 times before migrating to Ayushman Bharat. Because.

1. There is no outpatient treatment facility in it. In CGHS, you get free medicines for OP treatment.

2. For hospitalization cases there is a limit of Rs 5 lakhs per year for a family in Ayushman. There is no such limit in CGHS.

3. For Ayushman Bharat, the state governments have to share expenditure. It is 40% in most of the states, 10% in NE states and 3 Himalayan states. It is nil in UTs. So, success of Ayushman Bharat depends upon cooperation of state governments. There is no liability for state governments in CGHS. It is totally Central Govt scheme.

4. Those who stay in non-CGHS covered areas also can get Rs 1000 per month as Fixed Medical Allowance. Once you join Ayushman Bharat you will not get it.

5. Because of consistent efforts by AIBSNLPWA, the BSNL is reimbursing fees we paid to join CGHS. It is one time measure. Thus, for us joining CGHS is free. If you migrate to Ayushman Bharat you can not back.

6. Those having private insurance can join Ayushman. Then why should we surrender CGHS/BSNLMRS cards? It is discrimination.

7. In some states the empaneled hospitals under Ayushman Bharat are not good, it is alleged.

This is my observation before seeing the formal orders. Kindly study the orders when issued and then take a decision.

21-9-2024

P S Ramankutty

PENSION CREDIT

On 24th September 2024 our CHQ Org. Secretary Com. J S Dahiya visited the office of Controller General Communication Accounts (CGCA) at Ghitori New Delhi and handed over CHQ letter expressing concern of pensioners all over India in delay in crediting pension during the last two months. He could not meet the CGCA in person as the office was being shifted to a new location at Jawaharlal Nehru Marg, New Delhi. However he met the AO (Pension) and discussed the matter. The AO informed Com. Dahiya that first they send pension disbursement order to PFMS (Controller General of Accounts). They forward it to the CMP (Cash Management Product) S.B.I. Hyderabad where from final disbursement of pension is done. Recent delay was at the end of CMP because their office was under shift from Hyderabad to Mumbai. Further the AO told that a decision has been taken by CGCA that now onwards pension disbursement order will be forwarded on 24th of each month so that it is credited on the last working day or even earlier. He further assured that there will be no delay now onwards. **Accordingly, most of the pensioners got their pension for September 2 024 on 25-9-2024 itself.**

PATIALA CWC

RESOLUTION ON ORGANIZATION

AIBSNLPWA is the largest, vibrant organization in Telecom. Our paid-up membership has crossed 77,000, thanks to all cadres and leaders at all levels. It has a very sound financial position. The reasons, for this, are mainly maintaining 'Rainbow' character, democratic functioning, transparent account maintenance, responsive approach to individual problems. This organization has got the character of social-responsibility. Whenever CHQ or Circle gives a call for donation to help the people at large due to natural calamity, the members' response was magnificent. The recent example was Wayanad tragedy; within a short duration more than 50 lakhs was donated to Kerala CMDRF.

Five digit membership is only in three circles, that too from the south. Tamilnadu circle continue to occupy the first position. There are improvements in some circles like Gujarat, Maharastra in west, UP West, Punjab in the north. New circle is formed in Himachal. But there is stagnation in some circles.

Kerala shows the way of holding virtual CEC once in two months and physical CEC once in 6 months as per constitutional provision. The circle monitors the District accounts as per constitutional provisions ensuring financial discipline which is one of the core principles of AIBSNLPWA. To expand the involvement of more members and to extend grass-root democratic functioning, Kerala opened many branches. Other circles should also think of following such kind of action for enlarging our base.

The Central Working Committee of All India BSNL Pensioners' Welfare Association held at Patiala, Punjab, on 11th & 12th September 2024 under the presidentship of Com D Gopalakrishnan requests all the District Units to fix a target for membership enrollment and achieve the target before the next AIC.

Patiala CWC: Resolution on Restoration of Commutation

Commutated value of pension is restored after 15 years on the basis of an order pronounced by Hon Supreme Court in 1986. Much water has flown under the bridge during these 38 years. 5 th CPC (implemented from 1/1/1996) under the chairmanship of Justice Rathnavel Pandian recommended for restoration of commutation after 12 years but the Government did not accepted it. Life Expectancy as per WHO statistics is 77 years for Govt. employees. 2nd National Judicial Pay Commission (Part III) under Justice P V Reddy appointed by Hon Supreme Court in 2021 has recommended for restoration after 12 years (Page 88 – 112) – State Governments like Kerala, MP, OR, AP are restoring it after 12 years, Gujarat, from 24/9/2022 restored after 13 years. Interest on investments has come down which is given hereunder:

	1/1/2006	1/1/2016	1/1/2022
PPF Interest	8%	8.1%	7.1%
SCSS	9.2%	8.6%	7.4%
NSC	11.5%	8.1%	6.8%

Commutation amount with 8% interest is recovered within 11 years.

Before 1/1/2006 Commutation Factor at the age of 61 was 9.81 After 1/1/2006 it is 8.194 So, reduction is 16.5% ($9.81 - 8.194 = 1.616/9.81 \times 100 = 16.5\%$) Interest on CVP is recoverable in 2.6 years. So, $8.194 + 2.66 = 10.85$ years. On the basis of Punjab & Haryana High Court judgement, State Governments of Punjab & Haryana issued orders to stop recovery beyond 128 months. In the light of above factors, The Central Working Committee of All India BSNL Pensioners' Welfare Association held at Patiala, Punjab, on 11th & 12th September 2024 under the presidentship of Shri D Gopalakrishnan requests the Government to immediately issue an order for restoration of commutation after 12 years and stop recovery from those who have already paid back in 128 months. The CWC also requests the Government to consider refunding the excess amount collected beyond 12 years.

The CWC directs all Circle secretaries to collect relevant data from our members by 31st December 2024 and forward the information to the General Secretary. At least two members or leaders from Delhi or surrounding areas, who come forward to handle this issue meticulously, will be assigned the responsibility of consulting a suitable lawyer. The aim is to explore the possibility of filing a case in the Principal Bench of the Central Administrative Tribunal (PB CAT), Delhi. The case should be filed on behalf of the affected members, and these representatives will be responsible for pursuing the matter until a final order is granted.

Patiala CWC resolution on Notional Increment

On the day of retirement, those who have completed 365 days from the date of last increment, are entitled for one 'Notional increment' according to various judgements delivered by different Tribunals, Karnataka High Court, and even by the Apex Court. PB, CAT, Delhi pronounced an order on 30/5/2024 (in OA No.1304/2024) directing the respondents to refix the retiral dues, including pension of the applicants by giving them the benefit of one notional increment on the date of their retirement within a period of 12 weeks and release the arrears expeditiously.

The order of Karnataka High Court was challenged before the Apex Court which was dismissed. Review Petitions were also dismissed by the Hon Supreme Court more than once. Hence it is a settled law.

Still DoPT has not issued a general order though some departments have taken decisions to grant the 'Notional increment' to the applicants which were not uniform. CHQ wrote a detailed letter on 17/1/2024 and 8/7/2024 requesting to implement the judgement atleast to the applicants but there was no response from DoT.

The Central Working Committee of All India BSNL Pensioners' Welfare Association held at Patiala, Punjab, on 11th & 12th September 2024 under the presidentship of Shri D Gopalakrishnan requests DoPT to immediately issue a general order to grant 'Notional increment' to all those eligible pensioners without forcing them to approach the courts and waste their hard-earned money.

CWC Resolution on Pension Credit

Before introduction of 'Sampann' and direct payment by DoT, pensioners were getting the pension credited to their account, whether bank or post office, well before the last day of the month or atleast on the last day of the month except for the month of March.

But recently, for the past three months, pensioners in many circles are not getting their pension credited to their account on the last day of the month. 2024 August pension was credited only on 3rd September to some pensioners/family pensioners. Non-credit of pension on the last day of the month, (as per existing rules), creates lot of tension and anxiety to the pensioners and family pensioners.

Some banks credit the pension very late; in the same bank some branches credit the pension with a delay of more than 8 to 10 hours. Nobody was able to explain the real reason for the delay except saying that there is a technical hitch. In this digital world, it is possible to transfer and credit the amount to pensioners' account within few minutes. Out of frustration many pensioners ask for earlier system of payment through CPPC and post offices. It is understood that centralization may be a reason.

The CWC of All India BSNL Pensioners' Welfare Association held at Patiala, Punjab, on 11th & 12th September 2024 under the presidentship of Shri D Gopalakrishnan requests Controller General of Communication, Accounts to take necessary action for ensuring payment of pension on the last day of the month henceforth. It also requests Department of pension to monitor the payment.



Patiala CWC: Resolution on 8th Central Pay Commission

The Government announced constitution of 7th Central Pay Commission in September 2013. Gazette Notification was issued on 28/2/2014 constituting it under the chairmanship of Justice Ashok Kumar Mathur.

7 th CPC submitted its recommendations to the Government on 19/11/2015. Accepting the recommendations, Government issued orders on 4/8/2016. The same was implemented w.e.f. 1/1/2016. It has become a 'norm' to revise the pay/pension every ten years from 1986 onwards. So, the next revision is due from 1/1/2026. The pay commission may take atleast two years to submit its recommendations.

So, it is high time that Government constitute 8 th Central Pay Commission at the earliest. The absorbed BSNL/MTNL employees, on retirement, are getting pension from Central Civil Estimate like Central Government pensioners. Their retirement benefits are at par with Central Government pensioners.

They are also covered under CCS (Pension) Rules, 2021 (earlier 1972) akin to Central Government pensioners. The Central Working Committee of All India BSNL Pensioners' Welfare Association held at Patiala, Punjab, on 11th & 12th September 2024 under the presidentship of Shri D Gopalakrishnan requests the Government to constitute 8th Central Pay Commission at the earliest and include the absorbed BSNL/MTNL employees in the 'eligibility list' of terms of reference for the purpose of revision of pension.



Patiala CWC: Resolution thanking Punjab Circle

The Central Working Committee of All India BSNL Pensioners' Welfare Association held at Patiala, Punjab, on 11th & 12th September 2024 under the presidentship of Shri D Gopalakrishnan whole-heartedly congratulate the Punjab Circle, particularly comrades from Patiala, for holding the CWC in a grand manner. The arrangements, food, accommodation etc. are very good. The CWC expresses its profound thanks and congratulate them all who made this event a memorable one.

From the Media reports

UNIFIED PENSION SCHEME: MIXED RESPONSE

BMS WELCOMES IT

“Certainly, UPS is a better option than the existing National Pension Scheme (NPS) as it contains an assured 50% pension, dearness relief, family pension, increased government contribution from 14% to 18.5% and additional lump-sum payment on retirement,” Ravindra Himte, general secretary, BMS said in a statement issued on 25-8-2024.

“However, there are still some differences as compared to OPS, like UPS is a contributory pension scheme whereas an employee did not contribute anything under OPS and there is a feature of commutation of pension available in OPS which is not available in NPS or UPS,” Himte said.

BMS is of the view that some other important features of UPS are still not clear like the ratio of lump-sum payment on exit; revision of pension on future pay commissions; continuation of tax benefits and increase in pension on completion of 80, 85, 90, 95 and 100 years. “For these clarifications, we have to wait till the publication of detailed notification of UPS,” Himte said, adding BMS will decide its further action in this regard only after a detailed study of the features of the UPS. The CITU, on the other hand, denounced the UPS as another dubious desperate effort to deceive the government employees of their due full right and urged for restoration of the old pension scheme (OPS).

CITU:

“The package offered by the government in the name of UPS reflects the same deceptive ploy of depriving the government employees of their legitimate dues on account of pension,” Tapan Sen, general secretary CITU said urging the government to restore the non-contributory defined assured Old Pension Scheme.

AITUC

The AITUC is of the view that UPS does not match the Old Pension Scheme which is basically noncontributory in nature. “Unified Pension Scheme (UPS) decided by the Modi government for central government employees is nothing but an extension of the existing NPS as the government employees will have to continue to contribute 10% of their wages in UPS also,” Amarjeet Kaur, general secretary, AITUC said. “UPS will have a lot of aberrations once implemented. AITUC reiterates its stand to continue to fight for restoring back the non-contributory Old Pension Scheme,” Kaur added.

MAHARASHTRA

The Maharashtra Cabinet has approved the Unified Pension Scheme (UPS) which was passed by the Union Cabinet on Saturday. The move comes on the day Prime Minister Narendra Modi visited the state and interacted with ‘Lakhpati Didis’ – women members of self-help groups who are earning Rs 1 lakh annually.

JCM STAFF SIDE

Staff Side in JCM wants the full pension be granted on completion of 20 years instead of 25 years as proposed in UPS. "The relaxation will do justice to those who join government service after attaining 35 years of age due to belated induction and make them eligible for enhanced coverage under UPS," said M Raghavaiah, leader (staff side) at the Joint Consultative Machinery (JCM) for central government employees. The other demands include that a fourth of the monthly emoluments be credited to ensure that a reasonable lump sum payment is given to a retiring employee and that additional pensions be offered to pensioners who cross 80 years of age, as was the case under the Old Pension Scheme (OPS). Shiv Gopal Mishra, secretary of the JCM, had also urged the state governments to implement the scheme and extend the benefits to government teachers and municipal workers. The Union cabinet on Sunday gave its nod to the UPS, which will benefit 2.3 million government employees, offering an assured amount of half their average basic salary drawn over the 12 months preceding superannuation for those completing at least 25 years of service.

The Bharatiya Janata Party (BJP) has been resisting the OPS as it would, they said, reverse the process of pension reforms, with high costs to tax payers. With the UPS for Central government employees, the National Democratic Alliance (NDA) government has tried to address the core demands of employees, with fewer demands on the exchequer, as the UPS is contributory as well.

"UPS can be opted by States, and it would be their call. Meanwhile, sources said that the Centre would not "market" the new pension scheme to States unwilling to adopt it. Also, there will be no fund support

to State who are going to opt UPS. It was also clarified that UPS is not applicable to public sector or employees of Central or State-run banks, or the armed forces, who will continue with the older scheme."

Quoting FM Smt Nirrmala Sitaraman,
Hindu Businessline 27-8-2024

Above report indicates that

1. Government does not want to dissolve the PFRDA and refund huge sum collected from employees under NPS
2. State Governments opting to introduce the new UPS should not expect any financial support from the Centre.
3. BSNL staff (recruited after 1-10-2000) shall not be covered by the UPS.

Union Labour Minister Mansukh Mandaviya has agreed to hold further discussions on the implementation of the four Labour Codes with the Central Trade Unions, union leaders said on 28-8-2024. The Minister's assurance came during a round table meeting with the Central Trade Unions, where ten unions alleged that the Codes are in favour of big corporations.

The meeting reflected differing priorities – while the meeting's agenda was to discuss the Employment Linked Incentive (ELI) schemes recently announced in the Union Budget, the ten CTUs said they had raised concerns about the four Codes and submitted a detailed memorandum to Mr. Mandaviya on the new Unified Pension Scheme, their demand to restore the non-contributory Old Pension Scheme, and to convene the Indian Labour Conference, and other issues. The meeting was also attended by Minister of State for Labour Shobha Karandlaje.

AN UNFORTUNATE EPISODE

Just 5 days before Patiala CWC, Com. K Muthyalu, Vice President, wrote a letter to GS intimating that he will not attend the CWC as a protest against the attitude of President Com. DG in the last CWC held about an year back. Before the CWC met the letter was circulated in whatsapp groups. The letter was taken up for discussion. Before that Com. DG vacated the chair for Vice President Com. Gangadhara Rao. After GS read out the letter Gangadhara Rao requested Com. Ramankutty to react. Com. PSR spoke as under:

I am talking on the matter with a heavy heart. I was General Secretary of Telegraph Union from 1987 to 2001 till becoming Dy GS of BSNLEU. I used to travel extensively all over the country and everywhere I used to meet leaders of other Unions also, not only T 3. Thus I had a very wide net of contacts. In 2002 I had some difference of opinion with Com. Namboodiri, the then GS of BSNLEU. I resigned and went back to Trivandrum. I did not want to fight with my comrades. I was not worried about post. After retirement in 2004 January I was elected as Assistant General Secretary of Central Government Pensioners Association, Kerala having about 13000 membership. In 2005, there was a meeting of leaders of central govt pensioners' organizations in Bangalore to prepare a common memorandum to the sixth CPC. Com. S K Vyas, Secretary General of Confederation convened it but he could not come to Bangalore. Hence he asked me to attend the meeting on his behalf. Leaders of about 22 organizations attended that meeting held at Rajaji Nagar. Thus I came in contact with many new leaders of pensioners. Com. Sadashivarao, leader of Karnataka P&T Pensioners Association presented a draft memorandum making the work easy for the meeting.

In 2008, the 6th CPC report and the 2nd PRC report came out. BSNL pensioners were ignored in both. At that stage I prepared a three pages letter with some calculations and sent to 24 leaders focussing on the injustice meted to BSNL retirees. Nobody reacted except Shri Sadashiva Rao who wrote that then only he realized the problem of BSNL pensioners.

Some Unions of BSNL pensioners were working in Bangalore, Chennai, Vijayawada, Allahabad,

Ahmedabad etc. But there was no all India Union. I thought that something has to be done at national level. Some consultation was necessary. How could I hold any meeting? Therefore I requested late Com. Chhidu Singh to form an association of BSNL pensioners in NTR and under the banner of that organization convene a meeting. Thus a small meeting for consultation was held on 28-3-2009 in New Delhi CTO Dormitory. Chhidu Singh issued the notice and I contacted all the leaders known to me over the phone. But I could not attend the meeting which I organized!

In CGPA Kerala CPIM people raised an allegation that 'Ramankutty is trying to break the unity of central government pensioners'. I had no intention to form any all India union at that time. I wanted to consult others about how to move further to focus attention of all on the pension issue of BSNL pensioners. Though I explained it they were not willing to listen. I was asked not to attend the Newdelhi Meeting I organized. I did not attend to maintain organizational discipline.

In the said meeting on 28-3-2009 comrades came from some 10 Circles viz; Com DG and Ramarao from Tamilnadu, Com. Dahya from Haryana, Com. Ram Avtar Sharma from Rajasthan, Com. Dhupal from Orissa, Com. A N Patel and D D Mistry from Gujarat, Com. R K Ghosh and T K Mitra from West Bengal and Com. M R Das and Shankar Kumar Das from Assam. The meeting decided to launch an all India organization for which a national convention was necessary. Com. DG spoke to Com. Natarajan in Chennai and it was agreed to hold the convention in Chennai in August 2009. An adhoc committee was formed with Com. Chhidu Singh as convener to hold the convention also. The Convention

was held on 20th August 2009 at Tambaram in Chennai city. Till that stage Com. Muthyalu was not in the picture. Now he claims he is the founder of this Association. About 450 comrades from 15 Circles attended it spending money from their own pockets. Convention was controlled by a presidium consisting Muthyalu, Smt Akhilandeswari and myself. I had prepared a draft constitution for the new organization. After debate it was approved. Elections were conducted smoothly. Being the person who took initiative I was elected as General Secretary and Com. Muthyalu as the President. Com. Gangadhara Rao came from Bangalore and his Association offered Rs 10000. Com. Chhidu Singh gave Rs 5000 as advance quota from NTR. Delegates attending the convention raised a sum of Rs 4000. The Reception Committee of the Convention handed over entire balance amount of more than Rs 36000. I am a poor man. I had no money. But these amounts helped a lot to start the work. We started with zero and today we have FD of more than 2.44 crore. That is the growth.

I do not claim that I am the 'Founder'. I say I am one among the founders.

D D Mistry started a game soon and after some time he resigned as Vice President.

In 2010, I had a stroke. I could not do any work. I could not travel for some time. During those days Com. Muthyalu worked a lot. I acknowledge his contributions. After few months I could resume the work. In 2012 we could hold the AIC in Jaipur. Dy GS Com. Chhidu Singh refused to continue with Com. Muthyalu as President. I threatened him that if he does not continue I will also step down. Others did not know it. I could amicably settle the matter. DG spoke to Com. Natarajan and persuaded to be the new GS. Thus I was elected as President and Com. Natarajan as GS.

In 2010 May we released the first issue of our journal. I invited Com. Muthyalu to Trivandrum to release it. On the cover page of the second issue you will find the photo of the function with Com. Muthyalu, myself etc. But after some time Com. Muthyalu submitted a resignation letter to GS Com. Natarajan. His allegation was that

"Ramankutty is not publishing his photos in the journal". I showed that 13 photos of Muthyalu were published whereas only 3 or 4 photos of Ramankutty were given. Com. Natarajan threw away the resignation letter. When I asked, Com. Muthyalu replied that he wanted publicity.

Ernakulam CWC meeting constituted a sub committee consisting of Coms., Muthyalu, PSR, Natarajan, Chhidu Singh and DG to draft a memorandum to the 7th CPC demanding pension revision for us. Next CWC meeting held in Chennai approved the draft demanding pension revision with CPC formula. It was reaffirmed in all the five subsequent CWC and three AICs also. Muthyalu was party to all these decisions taken unanimously. But in 2019 he changed his stand saying that without pay revision in BSNL our pension revision is not possible.

When all efforts failed we thought of filing a case before Bangalore bench of CAT which used to give decisions in favour of pensioners and employees. Before Secretariat meeting we went to a lawyer in Bangalore. During the consultation Com. Muthyalu placed his views. The lawyer asked; *"Then you could have waited. Why do you waste my time?"* Secretariat decided to resort to legal remedy. Com. Muthyalu recorded his dissent. Com. Ratna wanted to wait till Gorakhpur CWC. Com. Muthyalu, later on, circulated a printed leaflet opposing the unanimous decisions of CWCs and AICs. It was gross indiscipline. In Vizag AIC he expressed regret for it and assured that he would not repeat it.

Now Com. Muthyalu has written a letter to GS. But that letter is already circulated in Whatsapp groups.. I too received a copy of it on whatsapp. He has used the logo of our Association in it. One has the right to dissent or to express his views in proper forum. But circulating the letter among members creating confusion is unwanted and unwarranted. It is nothing but gross indiscipline. When I had a difference of opinion I resigned from the post and went away. I did not create confusion and disunity. At Ahmedabad CWC, may be out of anger, DG used the word crooks. It could be avoided.

I do not want to talk further on this unfortunate episode.



SARVATRA

Kalinga TV reports: 15-9-2024

Bhubaneswar: BSNL has geared up to provide users with the long-awaited high speed internet with the introduction of a new technology called 'Sarvatra'.

While major private telecom providers like Reliance Jio, Bharti Airtel is already offering high-speed internet to their telecom as well as fibre users, government-owned BSNL is yet to have any major breakthroughs. So, the 'Sarvatra' technology is expected to bring revolution the industry. BSNL will enable users to get benefits of high-speed internet through their home fibre connections, even when they were away with the new technology.

According to the government-owned telcos, the trial phase of the project has already been completed, and it will soon be available to users in select regions including Kerala. Ahead of its

release, the telcos is already spurring its subscribers to register for the service to enjoy high-speed internet benefits. BSNL Chairman and Managing Director Robert J Ravi has initiated the 'Sarvatra' service with an aim to empower the people of villages of the country with high-speed internet. Moreover, it will be cheaper than what mobile users spend for data.

How 'Sarvatra' works?

'Sarvatra' is built on BSNL's Fibre to the Home (FTTH) technology, allowing users with an existing FTTH connection at home or in their office to access the internet from other locations where BSNL's FTTH service is available. To use this feature, users must register under the 'Sarvatra' scheme. Once registered, the FTTH connections become 'Sarvatra Enabled.' This eliminates the need for a Wi-Fi password or user ID at the second location. The Sarvatra portal works like a virtual tower, ensuring connectivity. BSNL has assured users that the Sarvatra system is safe and secure. The second modem used is only a pathway. The 'One Knock' system will operate 24 hours a day to ensure accurate service.

FINANCIAL PROPRIETY – A SUPERIOR VIRTUE

Let me recall the emphatic narration of our President DG during the October 2023 CWC meeting held at Ahmedabad, that our organization is functioning on three core principles of "Democratic, Organizational and Financial Disciplines". Just 500 members with zero assets in 2009, growing to 77,000 members with rupees two crore plus assets in 15 years as explained by our beloved Shri Ramankutty, during the September 2024 Patiala CWC, reflects the strict adherence to this doctrine, with commitment and hard work of our leaders at the helm. President DG illustrated and reiterated the need of Financial Discipline, which cannot be compromised, for the continued growth and well being of our mighty association. Standards of Financial Propriety demands that "Every individual is expected to exercise the same vigilance while spending public money, as a person of ordinary prudence would exercise while spending his own money". This has moral dimension, but not a mere governing principle. Branches, Districts and Circles should emulate this righteous path of our selfless founding leaders and continue our struggle in the path of peace, truth and unity to achieve imminent success.

M R PATNAIK, VICE PRESIDENT

PERMUTATION COMBINATION IN TELECOM

MTNL and BSNL in News:

In August 2024, MTNL's CMD RSP Sinha resigned after facing flak over declining revenues and market share, though he was granted an ad hoc three-month extension in September after his five-year term ended. MTNL has 19 lakh wireless connections and only 0.2% market share. It is struggling with a debt of Rs 31945 crore. The DoT is currently scrutinising potential tax implications before granting final approval to a significant 10-year service agreement between MTNL and BSNL. This agreement, approved by MTNL's board is a strategic move that allows BSNL to manage MTNL's operations without merging the two state-run telecom giants. *[Financial Express]*

Economic Times reported on 21-9-2024

"With state-owned MTNL going through a financial crisis, the government has started the process to transfer over 3,000 employees to BSNL and the DoT. Separately, the government is also considering giving the option of voluntary retirement scheme (VRS) to the employees, officials in the know said. Sources said general managers in MTNL have been asked to submit the names of 50% officers for deemed deputation to BSNL. Further, DoT has sent to the finance ministry a proposal containing both VRS and deputation to BSNL as options for the employees of MTNL. The same will likely be presented to the Cabinet for approval with the additional revival package for meeting MTNL's debt obligations.

The government is also considering transfer of MTNL's operations to BSNL, for which a service agreement is in the works. As part of the agreement, BSNL will be given the authority to manage MTNL, without the need of merging the entities. Officials said BSNL will come on board as a management agency for MTNL, and this is being done to avoid the complexities of a merger, which was earlier being looked at as one of the options....."

Earlier proposal of merger of MTNL and BSNL is dropped now. Government has only 56.25% share in MTNL whereas BSNL 100% government owned company. As on 31-3-2023, there were only 3574 employees in MTNL. It may be around 3000 now. Hence the proposal is to transfer them all to BSNL. BSNL had staff strength of 56820 as on 30th June 2024, including Direct Recruits and absorbed, including Executives and Non Executives. MTNL transferees added it becomes 60,000.

Another VRS

After taking 3000 from MTNL, BSNL will introduce another VRS. In 2020 the management expected that 30000 would opt for VRS; but 79000 opted. Still BSNL is in loss. Number of low paid staff was reduced drastically and number of high paid remained almost same. Hence VRS did not save BSNL.

All the unions of BSNL staff have jointly protested the move for second VRS, eventhough it is not announced officially.

The Blame Game

All the pundits of Media and Universities blame the staff for all ills of BSNL and MTNL. They deliberately ignore the fact that with more staff BSNL could earn profit of about Rs. 10000 crore per year earlier. Then why it is in hock now with less staff? The pundits have not time to study the unpleasant facts.

ENTHUSIASTIC CELEBRATIONS

Branches of AIBSNLPWA celebrated 16th Formation Day of the Association in August 2024 enthusiastically. Few photos of the events are given below.



Patna



Meerut



Vizianagaram



Salem East



Sitapur



Rohtak



Coimbatore



Calicut

PENSIONERS PATRIKA

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