

# PENSIONERS' PATRIKA

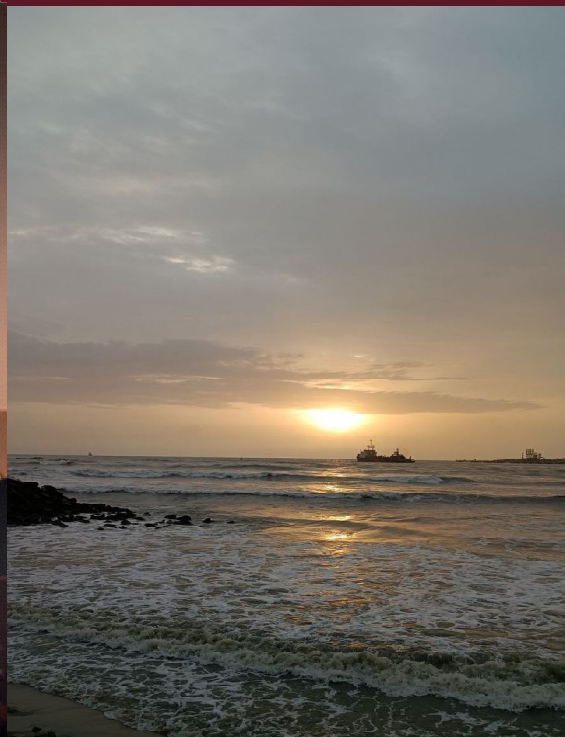
पेंशनर्स  
पत्रिका

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SUNRISE AT  
NORTH



SUNSET IN  
SOUTH

"The new year stands before us, like a chapter in a book, waiting to be written."



BENGALURU DISTRICT CONFERENCE ON 22-10-2024



DIGITAL LIFE CERTIFICATE CAMPAIGN

Function organised in Bengaluru jointly by DOP&PW and SBI. Third from Right is Com. M Janardhana Rao, DS, AIBSNLPWA



OUR SUPPORT TO FLOOD VICTIMS OF VIJAYAWADA

GS, CS, CP of AP and others on the function at Vijayawada, on 25-10-24 distributing financial support to affected people.

# PENSIONERS PATRIKA

BIMONTHLY JOURNAL  
OF AIBSNLPWA (CHQ)

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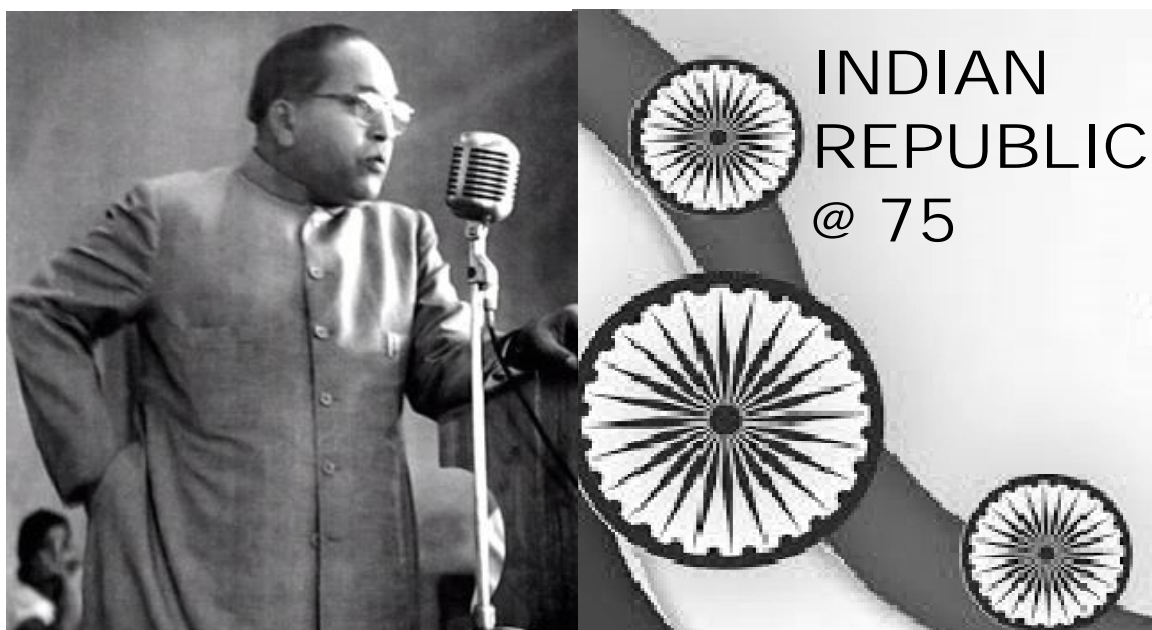
## Editorial

### JUSTICE IS A MIRAGE

Commutation of Pension is a subject matter of serious discussion amongst pensioners in India these days. A portion of future pension is granted in lump sum at the time of retirement, if opted by the retiring official. 50 per cent of pension was allowed for commutation up to 17-4-1950. It was reduced to 1/3<sup>rd</sup> from 17-4-1950. Again from 1-1-1996, as recommended by the fifth central pay commission, 40% is allowed to be commuted. Earlier, there was no provision for restoration of commuted portion. It was introduced from 1-1-1986 based on a Supreme Court judgement dated 19-12-1986. Thus many changes have taken place. No rule is sacrosanct.

From 1-1-2006, the value of commuted pension is calculated with a new Commutation Table. If one opts for commutation after attaining the age of 60 years the formula is 40% of BP x 12 x 8.194. The sixth CPC reduced multiplication factor from 9.81 to 8.194, reducing benefit significantly. In Kerala and Tamilnadu the factor is 10.13. While commuted portion is restored after 12 years in Kerala, for central government employees it is 15 years. The period of 15 years is applicable to pensioners of Punjab. Challenging this long period, number of pensioners in Punjab filed cases before High Court of Punjab and Haryana. In most of the cases the Hon'ble High Court issued interim orders stopping recovery of commuted portion beyond 128 months. Many pensioners in other states also approached Courts of Law. Everywhere the Courts and CATs gave similar interim orders. Unfortunately, the Hon'ble High Court of Punjab and Haryana disposed all interim orders in 808 cases before it with a single and final direction approving present system of recovery of 180 months (15 years).

AIBSNLPWA headquarters was requested by many members to file a case on the issue. Now we have to reconsider the matter with the above experience of Punjab state Pensioners. Many are reluctant to engage in litigation due to the gruelling process, which includes endless adjournments, numerous appeals, and escalating legal costs. Despite the exacerbating delays and frustrations we are forced to approach Court of Law when legitimate demands are rejected by the Government and the Executive. Legal battle is the last resort. But, it is seen now that Court of Justice is functioning as mere Court of Law. Justice is often denied; Rules are maintained.



75 years ago, Dr. B. R. Ambedkar said:

"On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality.

In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value.

How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up."



Dear Comrades,  
Wish you all a happy memorable new year.

#### **Pension Revision Case:**

We had won the case in Principal Bench of CAT. An unambiguous order was given by the Hon'ble Tribunal on 20th September 2023. Even after one year government has not honoured the said decision of the Court. Appeal filed by Department of Telecom is now posted to 15th January 2025. We are prepared to fight out the case in Supreme Court, even, if needed. We shall not stop rowing midstream.

#### **Commutation Case:**

Pensioners all over India, not only in BSNL, were jubilant when the Hon'ble High Court of Punjab and Haryana issued interim orders to stop recovery of commuted portion of pension beyond 128 months. It was fully justified by a perfect calculation. The said orders prompted many a pensioners, belonging to BSNL and various Departments to file cases. Almost all the benches of High Court and CAT issued similar orders in such cases. Many of our branches also wanted our CHQ to file a case before Principal Bench of CAT. CWC meeting held at Patiala directed the CHQ to collect data from Circles to assess number of BSNL retirees affected by the case. At the same time, we thought it prudent to wait for the final decision of the High Court, instead of filing a case with huge number of applicants. Now, the final order has come from High Court of Punjab and Haryana. Unfortunately the Hon'ble High Court has upheld the order of the Executive to recover commuted portion for 15 years (180 months). Under our Constitution judiciary is supreme. It can nullify a decision of Parliament even, if found unjust. In the

instant case, Court has decided the issue upholding an order issued by Executive which is a party in the dispute. The decision has wide ramifications. Government lawyers may utilize the said final order of Punjab and Haryana High Court in all other cases pending before many benches of CAT and High Courts. We will wait and watch before taking a final decision.

#### **Notional Increment Case:**

This case is discussed in subsequent pages. We regret to state that the guidelines issued by Supreme Court on the issue are unfortunate. Those who filed cases and won will get benefit as directed by the concerned Court. Those who are in the Courts will get financial benefits from a date to be decided by the Court. Those who have not filed cases will get the financial benefit from 1-5-2023 only. When the Court finds that the increment due has to be counted notionally for fixing pension, the benefit should be granted from the date of commencement of pension. But Supreme Court has divided the pensioners into different categories. We feel that it is negation of the SC order in Nakara case itself.

#### **DLC Campaign:**

We have received reports from many branches about Digital Life Certificate campaign they organized this year. All are requested to intimate CHQ 1) name of Volunteer who generated the DLC 2) his/her mobile number 3) his/her aadhaar number 4) name of his/her station and 5) the No. of DLCs generated. Department of Pension will cross check with their records and grant the compensation accordingly. Amount so decided will be remitted to our CHQ account and, in turn, we will send it to concerned SSA units. To do so we need Bank account details of SSA units who have participated in the Campaign. Please supply the same.

18-12-2024

V Vara Prasad, GS

-

“Judicial decrees may not change the heart, but they can restrain the heartless”.

## STATUS OF APPEAL PETITION BEFORE DELHI HIGH COURT FILED BY DEPT OF TELECOM

High Court order on 12-8-2024

1. Learned Tribunal is requested to adjourn the contempt petition till next date of hearing.

2. Re-notify on 23.08.24 at 3:30 pm.

High Court order on 23-8-2024

Case adjourned to 04-09-2024

High Court order on 04.09.2024

1. Learned counsel for the respondents have assured that they will not press the contempt petition on the next date of hearing fixed before the learned Tribunal.

2. Re-notify on 23.09.2024 under the same caption at 03:30 pm.

High Court order on 23.09.2024

Re-notify on 08.10.2024.

High Court order on 08.10.2024

1. These matters have to be heard finally.

2. List on 21 November 2024 in the supplementary list for disposal.

3. Mr. Sanjay Ghose very fairly continues the statement made to this Court on 4 September 2024 till the next date of hearing.

High Court order on 21.11.2024

1. As the contempt petition in these matters is listed before the Tribunal on 10, January 2025, renotify on 11, December 2024.

2. Mr. Sanjay Ghose, learned Senior Counsel, very fairly continues the statement made to this Court on 4 September 2024 till next date of hearing.

High Court order on 11.12.2024

1. As it is 1.30 PM and it is a stop gap Bench, which is not sitting in the afternoon, renotify on 15th January 2025.

2. The statement made to this Court on 4th September 2024 to continue till next date of hearing.

.....

# NOTIONAL INCREMENT

The Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training (DoPT) has released an office memorandum on 14th October 2024. This memorandum details the grant of notional increments on 1st July or 1st January for Central Government employees who retired on 30th June or 31st December, respectively, for pensionary benefits. This decision follows various court rulings and employee demands for clarity on pension calculations.

## Background

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

In 2017, the Hon'ble High Court of Madras ruled in favor of Shri P. Ayyamperumal, granting him a notional increment to calculate pension benefits. Although this ruling applied only to Shri Ayyamperumal, it led to many similar petitions from other retirees, resulting in multiple cases in tribunals, high courts, and the Hon'ble Supreme Court.

## Court Proceedings and SC Directions

The DoPT reviewed the issue with nodal authorities, considering Fundamental Rules that govern increments. Key points include:

- FR 9(21)(a) defines "pay" as the sanctioned amount for a post.
- FR 17 states that employees receive pay and increments from the date of assuming duties.
- FR 24 allows withholding an increment if work or conduct is unsatisfactory.
- The Hon'ble Supreme Court, in its order dated 11th April 2023, upheld the granting of notional increments for pension calculations to employees who retired with

good conduct. Later, the Supreme Court Order dated 19th May 2023 dismissed an appeal by the Ministry of Railways, reinforcing the earlier decision.

## Recent Developments

On 6th September 2024, the Supreme Court issued following interim orders:

### Effective Date:

The 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.

Employees who filed successful petitions will receive an enhanced pension.

The directive does not apply if the judgement is still under appeal.

Retired employees with pending applications will receive enhanced pensions from the month of application.

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

*[In Nakara case, Supreme Court asked not to divide pensioners. In the above case SC gives different dates of effect ...]*

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## "WITHOUT PREJUDICE"

*The order further states: That these instructions are being issued without prejudice of the legal stand of the Govt.; without prejudice to any change in law; subject to the final outcome of the Review Petition pending before the Hon'ble Supreme Court which is expected to be heard by the Apex Court in the week commencing 04-11-2024.*

# NOTIONAL INCREMENT FOR BSNL RETIREES

CHQ Letter dated 30-10-2024

To  
Secretary,  
Department of Personnel & Training,  
New Delhi

Sir,  
Sub: **Grant of Notional increment to BSNL employees who were absorbed in BSNL from DoT.**

Ref: **1) DoPT OM No.19/116/2024-Pers. Pol. (Pay) (Pt) dated 14/10/2024**

**2) DoT OM No.36-3/2019-Pen(T) dated 18/10/2024**

May we draw your kind attention to the following on the above subject.

Para 6 of the above-referred DoPT OM refers the interim order of Hon. Supreme Court dated 6/9/2024 .

Para 7 of that OM says that it is applicable to the Central Govt. employees.

DoT vide its OM dated 18/10/2024 (under reference No.2) endorsed the DoPT OM dated 14/10/2024 reiterated that **“This OM is**

**applicable to Central Government Employees only”.**

**The interim order of Hon. Supreme Court dated 6/9/2024 was issued on MA Diary No.2400/2024 in SLP © No.4722/2021. This case is between Uol & Anr Vs M Siddaraj and 64 others who all retired from BSNL.**

So, DoPT OM dated 14/10/2024 should be made applicable to BSNL retirees also who rendered unblemished required service; completed 365 days from the date of last increment, on the date of retirement. Otherwise it amounts to contempt of court.

We request you, sir, to give suitable instructions to DoT to implement the order not only to Central Government Employees but also to those who were absorbed from DoT in BSNL.

We shall feel obliged if we get a line of reply in this regard.

Yours faithfully,

(V Vara Prasad)  
General Secretary.

## DOT, AT IT AGAIN

On 18-10-2024, Department of Telecom endorsed the OM dated 14th October 2024 of Department of Personnel on Notional Increment. DoT has exhibited its anti-pensioners attitude stating that the above OM is applicable to only to central government employees, ignoring the fact that number of BSNL pensioners have won cases in the Courts of Law.



## NOTIONAL INCREMENT

CHQ Letter dated 16-10-2024

To the Secretary, Department of Telecom,  
New Delhi-110001

Ref: DoPT OM No.19/116/2024-Pers. Pol.  
(Pay)(Pt) dated 14/10/2024.

The above issue has a long history which was settled by the intervention of Hon. Supreme Court in P Ayyamperumal (retired as ADG in Customs & Excise Department, Chennai) Vs UoI case. Hon Madras HC pronounced the judgement in his favour on 15/9/2017 which was challenged by UoI in Hon Supreme Court and the SLP was dismissed on 23/7/2018. The individual got the benefit of 'notional increment' and he got all the pensionary benefits revised accordingly.

Immediately on 27/12/2018 we wrote a letter to Secretary, DoP&PW, requesting for issuing a general order (copy attached for ready reference).

Later several Tribunals and High Courts delivered similar judgements and they were implemented to the respective individuals. The above-referred DoPT OM traces the history of judicial pronouncements in the order. The above DoPT OM directs to grant 'notional increment' from 1/5/2023 limited for the purpose of revising the pension. This is an interim order pending disposal of review petition by Hon. Supreme Court which may consider to extend the benefit for all other terminal benefits.

DoT may have a doubt whether this order has to be implemented to the absorbed BSNL employees. To clarify the doubt, we would like to draw your kind attention to the latest judgement pronounced by Hon. CAT, Allahabad Division Bench (copy attached for ready

reference) on 1/4/2024 in Prabhu Dayal Vs BSNL in OA No.82 of 2024. CAO (Pension), O/o CCA, U.P East, Lucknow is the 4th respondent in this O.A. The applicant was working as Senior Telecom Office Assistant (STOA) and retired on 31/12/2008. We quote para 13 of the judgement hereunder:-

*In view of the above, the O.A is partly allowed. The respondents are directed as follow:*

*(i) The applicant is entitled to get the increment which was payable on 1/1/2009*

*(ii) The applicant is entitled to the arrears of notional increment for the period of three years just before from the date of filing i.e. 19/01/2024 of this O.A*

*(iii) The respondents will issue the revised PPO within a period of four months from the date of receiving the certified copy of this order and will pay the arrear within a period of 4 months, otherwise the simple interest will also be payable at the rate of 6% per annum from the date of filing of this O.A. i.e. till the date of actual payment.*

Several absorbed BSNL employees also approached various judicial forums and obtained favourable judgements. So, DoT need not have any doubt about the applicability to BSNL absorbed employees.

In view of the above factors, we request for implementation of the above-referred DoPT OM dated 14/10/2024 to all eligible absorbed BSNL employees. DoT may issue a general order to the effect with a copy to us.

Thanking you

Yours faithfully,

(V Vara Prasad),  
General Secretary

# ON COMMUTATION CASE

Comrades P S Ramankutty (Advisor), P Gangadhara Rao (Vice President) and V Vara Prasad (GS) met in Bangalore during the special CEC meeting of Karnataka Circle on 21<sup>st</sup> October 2024. On the occasion they reviewed further developments with regard to the Commutation case.

## Following points were noted:

1. Our Patiala CWC adopted a resolution on the issue. Same will appear in next issue of Pensioners' Patrika. We demand a general order honouring various judgements and also taking into consideration the 5<sup>th</sup> CPC report and Judicial Commission recommendation. We have given clear justification for reducing the recovery period from 15 years to 12 years.

2. State Government of Punjab follows central government pattern in the matter and hence the recovery period is 180 months for its pensioners. Whereas, some other state governments like Kerala, Odisha, Gujarat etc. have different rules.

3. Hon'ble High Court of Punjab & Haryana has given interim orders in number of cases to stop recovery after 128 months. The cases are still pending and naturally a general order can be expected only after the final decision is given by the HC. It may take some more time.

4. CAT Chandigarh has ordered to stop recovery after 135 months in a case filed by two BSNL retirees. It has been honoured by CCA Haryana. CAT Allahabad too has given order to reduce recovery period in another case filed by one BSNL retiree. CAT Chennai too has given similar orders. As such, the BSNL retirees

are covered by the said Court orders. At the same time, DoT may delay a decision as different benches of CAT have suggested different recovery period. Moreover, the DoP&PW has not yet taken any final decision in the matter.

5. All the VRS (BSNL) optees will be benefitted by the decision of the Court. They will complete ten years of repayment in 2030 or later on. Out of the one lakh and odd beneficiaries among the BSNL Retirees large number is our members. Therefore, there is sufficient cause for filing a case by our Association. But it is a laborious job to file a case involving all the affected members.

**6. The case has to be filed in PB, CAT only for pan-India application.**

7. PB, CAT has also pronounced a judgement for reducing the recovery period in O.A. No. 2307/2024. Similarly, the Armed Forces Tribunal also gave a favourable judgement. But the Government filed an appeal before Delhi HC and the Division Bench granted a stay in W.P(C) 12781/2024 & CM APPL.53286/2024 on 11/09/2024. The case is postponed to 3/12/2024. So, let us wait for the final outcome of the said case in Delhi HC.

8. Hence, it is felt that, instead of rushing to the Court with a WP, we should first assess the number of beneficiaries. Hence, our Units should collect data of members to be benefitted by the legal action. This work should be completed as early as possible. Once the data is available CHQ can review the situation again.

9. The Staff Side in JCM (NC) has taken up the matter as a common case. It is prudent to wait for the outcome of efforts being made by Staff Side and the cases pending in different courts also.

## FINAL JUDGEMENT OF HIGHCOURT OF PUNJAB & HARYANA

# COMMUTATION RECOVERY SHALL REMAIN 15 YEARS

A Division Bench of High Court of Punjab and Haryana, consisting of J. Lisa Gill and J. Sukhvinder Kaur has given a final judgement against pensioners in the matter of Commutation recovery. Some pensioners retired from Punjab State service filed cases praying to stop recovery of commutation amount beyond 10 years. The HC issued interim orders stopping the recovery beyond 128 months. Many more cases were filed then and same interim orders were issued in all such cases. Some other pensioners from whom recovery was effected for 15 full years also filed cases praying for refund of the amount recovered beyond 128 months. Now, on 27th November 2024, the High Court took up all such 808 cases together and pronounced a common order that commutation recovery shall remain 15 years. Out of the 66 pages of the said Judgement, 44 pages contain list of 808 cases, names of advocates etc.

Main points in the judgement are:

- 1. All the petitioners were employees who availed the benefit of commutation of pension. Commutation amount is fully restored in some cases and partly restored in some other cases. All the petitioners were in service at the time of issuance of notification dated 21-7-1998. They never raised any objection to the stipulated period of 15 years for restoration of pension. Having availed of a benefit which clearly is voluntary in nature it is not open to the petitioners to raise grievances at this stage.**
- 2. There is no question of any direction to the State to restore pension on expiry of 11.5 years or 12 years as prayed for or to refund the amount so recovered.**
- 3. Government of Punjab is ready to examine the matter by an Expert Committee which would invite and consider submission and representations from Associations of Pensioners in the state.**
- 4. Keeping in view facts and circumstances as narrated, all the 808 petitions are dismissed with no order as to cost. It is clarified that the State is entitled to effect recoveries which were stayed by way of interim orders in the writ petitions. Such recovery however be made in a staggered manner to obviate any hardship to the pensioners.**



# ON THE NEXT AIC AT KOCHI

**A letter to  
Com. V Vara Prasad, GS, AIBSNLPWA, Vijayawada.**

Dear Comrade,  
You may feel that this communication is too early. Kerala CEC met at Kochi on 7th November 2024 and prepared an action plan starting the work well in advance to make the next AIC an event to be remembered by all in future.

Though Trivandrum (Thiruvananthapuram - Thiru Ananta Puram - Sri Anant Pur) is the capital city of Kerala it has less facility for accommodation and also less train connectivity. Kochi (old Ernakulam) is the biggest city in the state having more lodges. At the same time it is costlier too. We feel it better to hold the AIC in Kochi considering other facilities.

**Despite all our sincere efforts, I know, we shall be no match to Visakhapatnam AIC. Only comparison can be that we are moving from one Port city to another Port city.**

**Date of AIC:**

Deepavali is on 21-10-2025. Hence the convenient dates will be **8<sup>th</sup> & 9<sup>th</sup> November 2025**, being second Saturday and Sunday. Please consider it.

**Journey:** Trains from all directions will reach Ernakulam on Fridays.

**East Coast:** Chennai, Vijayawada, Visakhapatnam, Bhubaneshwar, Patna, Bardhaman, Shalimar, Guwahati etc.

**North:** Vijayawada, Hyderabad, Nagpur, Bhopal, Agra, New Delhi, Chandigarh etc.

**West Coast:** Mumbai, Vadodara, Ahmedabad, Bhavnagar etc.

For return, trains are available in all the above directions on Mondays.

Kochi has an international airport. Though distance is only 40 KMs it may take 2 hours or even more to reach Kochi city due to frequent traffic jam on roads. Moreover, the taxis in Airport are very costly. Whereas two Railway Stations (Ernakulam Town and Ernakulam Jn) are within 4.5 KMs from the venue. Hence train journey is convenient for both Delegates and the Reception Committee. Kerala being at the south most point of the country the train journey is long. For example; Guwahati is 3500 KMs away from Kochi, Chandigarh is 3200 KMs and New Delhi 2950 KMs. From Guwahati it may take 57 hours, from Chandigarh 50 hours, from New Delhi 45 hours, from Ahmedabad 34 hours, from Bhubaneshwar 32 hours, from Hyderabad 30 hours, from Mumbai 25 hours, from Chennai 17 hours and from Bangalore 12 hours. **Though long, train journey leaves less financial burden on our branches.** It is really a "*Bharat Darsan*", enjoying variety of food and culture of India. All should enjoy it, keeping the slogan in mind "*Less food, less problem*".

**Accommodation:** As I had told at Patiala, accommodation is very costly in Kochi. Hence we cannot accommodate visitors. In exceptional cases, few comrades may come with their spouses. We will arrange separate and safe accommodation for the ladies. For gents, additional beds have to be provided in rooms and hence Family Rooms may be difficult. Ladies accompanying husbands must come prepared to stay separately with similar ladies

from other states for 3 or 4 days. That also is an experience. Gents are not allowed to enter the Womens' Block in the place. Accommodation for all delegates cannot be arranged at same location. That is another problem for us. We are struggling to get lodging at three or four locations near the conference venue, even if costly.

**Food:**

Each region has its own food habits and cuisines. In Kerala we use coconut oil for cooking. Nobody from other states likes it. Even if we arrange special cooks and prepare north Indian dishes it may not be satisfactory for comrades from North. It will be wasting money on food and receiving criticism. Instead, I feel that it is better to provide very simple food, not sumptuous food - a mix of North Indian and South Indian. We shall try to satisfy all as far as possible.

**Work by CHQ:**

In April 2025 itself, CHQ may please circulate number of eligible delegates from each District Unit, based on membership as on 31-3-2025. It will help Units to elect delegates at the rate of one Delegate for every 100 members.

**AIC Fund:**

Patiala CWC has decided to collect Rs. 100 per member as AIC fund. CHQ should ensure the collection in full. We shall make all efforts to collect maximum from our members in Kerala. There is a limit for us. We have no patrons here. Our members are our patrons.

**Duty of SSA Units:**

The District Units should elect delegates well in advance and book tickets for them. Because it is extremely difficult to get reservation in trains to Kerala, especially, for those who are coming from eastern side - Assam, Bengal, Odisha, Andhra etc. It is better they book the tickets 60 days in advance - in first week of **September**

**2025** itself. Both ways. I had the bitter experience of travelling from Vijayawada to Ernakulam without getting the seat eventhough I had reserved the berth. (Lakhs of people from Assam, Bengal, Odisha etc are working in Kerala.). Hence this warning.

The Units shall not send more than the eligible number of delegates. Otherwise it will create unwanted problems for both the Delegates and the Reception Committee. Let us be strict on it. It is necessary to conduct the conference in a systematic and disciplined manner. All know our strength. We need not show our size and strength organizing a *Mega Mela* type conference. All delegates are old people and hence they need convenient accommodation. I give maximum importance to this aspect.

**Tours:**

Kerala is enchanting with beaches, backwaters, lakes and hill stations. Cochin (Kochi) city itself is a fusion of colonial influences and striving modern city. Hence, many comrades may utilize the occasion for sight seeing. It may be done only after the Conference. We will guide them. Those who reach earlier and stay back after the conference must arrange their own accommodation. Lodges at cheaper rates are available near the Ernakulam Jn. railway station. The Reception Committee shall arrange accommodation from 7 AM on 7th up to 10 AM on 10th November 2025 only.

I write these lines much early so that our branches and comrades will understand our difficulties and prepare themselves for a serious and historic conference.

With Regards,

**P S Ramankutty,**

Trivandrum,  
Pensioners' Day, 17-12-2024

# ORDERS

## PENSION REVISION DUE TO CLERICAL ERROR

DoP&PW OM No. 38(10)/04/2024-  
P&PW(A) dated 18-10-2024

The undersigned is directed to say that as per Sub Rule 2 of Rule 66 of CCS(Pension) Rules 2021 [erstwhile Rule 70 of CCS(Pension) Rules 1972], subject to provisions of Rule 7 and 8 of CCS(Pension) Rules 2021, pension or family pension once authorised after final assessment or revised under Sub Rule 1 of Rule 66 of CCS(Pension) Rules 2021 shall not be revised to the disadvantage of the pensioner or family pensioner unless such revision becomes necessary on account of detection of a clerical error subsequently. In case the clerical error is detected after a period of two years from the date of authorisation or revision of pension or family pension, no revision of pension to the disadvantage of the pensioner or family pensioner shall be ordered without the concurrence of Department of Pension and Pensioners' Welfare.

2. Further, the question whether the revision has become necessary on account of a clerical error or not shall be decided by the administrative Ministry or Department. If, consequent on revision of pension or family pension under sub-rule 2, an excess payment of pension or family pension is found to have been

made to the pensioner or family pensioner and if such excess payment is not on account of any misrepresentation of facts by the pensioner or family pensioner, the administrative Ministry or Department shall examine in consultation with the Department of Expenditure whether or not recovery of such excess payment can be waived off and issue appropriate orders in accordance with the relevant rules and instructions in this regard. Where the administrative Ministry or Department decides not to waive off the excess payment of pension or family pension, the retired Government servant concerned or family pensioner shall be served with a notice by the Head of Office requiring him to refund the excess payment of pension within a period of two months from the date of receipt of notice by him. In case the Government servant fails to comply with the notice, the Head of Office shall, by order in writing, direct that such excess payment shall be adjusted in instalments by short payments of pension in future, in one or more instalments, as the Head of Office may direct.

3. All Ministries/Departments are requested that the above provisions of Central Civil Services (Pension) Rules, 2021 may be brought to the notice of all concerned for compliance.

## CPENGRAM

**DOP&PW OM F-No-14/12/2023-  
P&PW (CPEN)-9012 Dt 16-10-2024**

## Pensioner Grievance Redressal on CPENGRAMS Portal should be More Meaningful and Accessible

The undersigned is directed to refer to the Department of Pension and Pensioners' Welfare's OMs dated 06.08.2021 and 23.08.2023 regarding the strengthening of the Pensioners' grievance redressal mechanism and to say that in compliance of Cabinet Secretary's DO No. 1/28/2/2024- Cab. dated 01.07.2024, conveying the directions of Hon'ble Prime Minister during his interaction with the Secretaries to the Government of India on 29th June, 2024 to make grievance redressal system more sensitive, accessible and meaningful, this Department has reviewed the process of the Centralized Pension Grievances Redress and Monitoring System.

2. Accordingly, the guidelines have been revised on following issues, as under:

### **A. Role and Responsibilities of Grievance Redressal Officers**

(i) Grievance shall be redressed under 'whole of the Government approach'. If the grievance does not pertain to the GRO to whom it has been forwarded, he shall immediately forward the same to the concerned GRO, if he knows the correct mapping. Otherwise, he shall return it back to the Nodal Public Grievance Officer of his Ministry/ Department and the Nodal Officer shall forward the grievance to concerned GRO or to the DOPPW (in case, the grievance does not

pertain to that Ministry/Department). In no case, grievance shall be closed summarily by stating, 'it does not pertain to this Office '.

(ii) No grievance shall be closed without final outcome accruing to the applicant. As most of the pension grievances are monetary in nature, therefore, in the Action Taken Report (ATR) filed at the time of closure of grievance, Unique Transaction Reference (UTR) number or Reference number should be filled in on the portal. For grievances which are not monetary in nature, relevant order(s) or document(s) including PPO/letter/e-mail should be uploaded.

#### **B. Role and Responsibilities of Nodal Public Grievance Officers:**

(i) Every Nodal PG Officer shall undertake a monthly review of Pension related grievances pending on the portal to ensure the qualitative redressal of grievances within the prescribed time limit as mentioned in para 2C(ii) of this OM. The Nodal PG officer may access the poor/average feedback of the applicants by accessing CPGRAMS Portal (<https://pgportal.gov.in/ccfeedback/>) and take necessary corrective measures.

(ii) The Nodal PG Officer shall analyze the trend of grievances and conduct a root cause analysis. Accordingly, remedial measures related to people, policy and procedures to reduce the incidence of grievances may be taken.

#### **C. Timeline for the redressal of the grievances:**

(i) Over the period, the average redressal time of the pension related grievances has reduced substantially due to the reforms brought in the grievance redressal process including constant monitoring by DOPPW, on-line movement of the grievances to the concerned GROs and the capacity building of manpower deployed in pension grievance redressal process.

(ii) Therefore, Ministries/ Departments should strive to redress the pensioners' grievances within 21 days with the employment of technological intervention and development of skill sets of the GROs. In the cases, where redressal of the grievance requires longer time, an interim reply may be furnished on the portal along with the reason for the same and the expected timeline for redressal of the grievance.

#### **D. Appellate Mechanism:**

(i) Upon the closure of the grievance, applicant is provided with the option to prefer an appeal against the redressal of his grievance within 30 days of closure of the grievance.

(ii) The Appellate Authority shall dispose of the appeal within 30 days of receipts of the appeal. A speaking order shall be passed, attaching relevant documents, if any.

#### **E. Dealing with physical grievances :**

The grievance applications filed in physical form with the Ministry/ Department shall be uploaded on the CPENGRAMS portal to ensure

proper monitoring of these grievances. For filing of grievances on the portal, the process as elaborated under the heading- 'Help' on the Home page of CPENGRAMS Portal ( <https://pgportal.gov.in/pension/Help.aspx>) may be referred.

#### **NOTIONAL INCREMENT**

**Dept of Personnel & Trg 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(Uol 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.2471/2023 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. 36418/2024) 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 Dec ember and have rendered the requisite qualifying service as on the date if 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 of the legal stand of the Union of India in the matter and without prejudice to any change in 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. 08-09/2019-E.III.A(Vol.III)(3969602) dated 08-10-2024 and the D/o Legal affairs vide Computer Dy No. E18445 dated 30-09-2024.

#### **TIMELY PAYMENT OF GPF**

DoP&PW OM No. 3/7/2024-P&PW(F) (10139) dt 25-10-2024

Recently few references regarding interest on delayed payment of GPF to the retired Government have been received for clarification whether interest is payable on GPF after retirement.

2. In this connection, it may be stated that detailed clarifications regarding timely payment of GPF final payment to the retiring Government servant were furnished to all Ministries/ Departments vide this Departments'

Office Memorandum No. 3/3/2016-P&PW(F) dated 16th January, 2017 (copy enclosed).

3. The per Rule 34 of General Provident Fund (Central Service) Rules, 1960 clearly provides that when the amount standing at the credit of a subscriber in the General Provident Fund becomes payable, it shall be the duty of the Accounts Officer to make payment.

4. It is also added the amount deposited in General Provident Fund Account is solely the asset of the individual Government servant. Any disciplinary case pending or penalty imposed against him does not have any impact on the disbursement of the GPF amount. As per Rule 11(4) of GPF Rules, in case the GPF balance is not paid on retirement, interest on the GPF balance is required to be paid for the period beyond the date of retirement also.

#### **DO NOT DELETE NAME OF DAUGHTER**

DoP&PW OM No. 11/15/2022-P&PW(11)-8363 (II) dated 30-10-2024

The undersigned is directed to say that the Department of Pension and Pensioners' Welfare has notified the Central Civil Services (Pension) Rules, 2021 in supersession of the Central Civil Service (Pension) Rules, 1972.

2. Rule 50 (15) of the CCS (Pension) Rules, 2021 provides that as soon

as a Government servant enters Government service, he shall give details of his family in Form 4 to the Head of Office, which shall include all relevant details relating to spouse, all children, parents and disabled siblings (whether or not eligible for family pension). This Rule further provides that the Government servant shall submit the up to date details of the family in Form 4 again along with the pension papers, before retirement from Government service.

3. References were received seeking clarification in respect of deletion of name of the daughter from the details of family members after retirement of the Government servant.

4. It has been clarified by this Department vide OM No. 3(2)/2022 P&MW(I-1)-7942 dated 07-10-2022 that the Government servant/pensioner shall submit details of all member of family whether or not eligible for family pension. The daughter is deemed to be a member of the family of Government servant as and when intimated by the Government servant in the prescribed proforma. Hence, the name of the daughter shall remain included in the details of family members. The eligibility for family pension would be decided after demise of pensioner/family pensioners in accordance with the existing rules.

5. All Ministries/Departments are requested that the above provisions

may be brought to the notice of the personnel dealing with the pensionary benefits in the Ministry/Department and attached/subordinate offices thereunder for compliance.

**PENSION APPLICATION  
ONLINE ONLY**

DoP&PW OM No. T 55/13/2023-  
P&PW (C) (PART1) dt 4-11-2024

Reference is invited to notification No. G.S.R. 410(E) dated 16.07.2024, published in the Gazette of India, regarding the introduction of the new Single Pension Application Form 6-A. It has been stated that the pension case of a Government servant shall be processed through online mode and the retiring officials shall submit Form 6-A through Bhavishya/e- HRMS. This new Form 6-A is scheduled to come into force after 120 days from the date of notification i.e. 16.11.2024.

2. The new Form 6-A has been incorporated into Bhavishya and e-HRMS 2.0 and will be accessible to retiring Central Government employees w.e.f. 06.11.2024. Consequently, the retiring Central Government employees, are henceforth, required to fill out the new Single Pension Application Form 6-A exclusively through the online mode on Bhavishya or e-HRMS 2.0.

3. In this context, trainings will be conducted for Heads of Offices (HoOs) by the Bhavishya Team, DoPPW and for Nodal Officers by the e-HRMS 2.0 team, DoPT. The Training schedule

will be communicated in due course.

4. All Ministries/Departments are requested to bring these instructions to the notice of all concerned for strict compliance.

**GRATUITY CEILING :  
Rs 25 LAKHS**

DoT OM No 40-11/2024-Pen(T)  
dated 12-11-2024

The undersigned is directed to refer to this Department's OM No.36- 03/2019-Pen(T) dated 05.06.2024 and to give the following clarification on the applicability of the enhanced maximum limit of Gratuity from Rs. 20.00 lacs to Rs. 25.00 to the BSNL/MTNL absorbees [opted for pension for combined service and whose pension is governed under Rule 37 of CCS(Pension) Rules 2021] as per DoP&PW OM No.28/03/2024-P&PW(B)/Gratuity/9559 dated 30.05.2024.

2. The rates for payment of DCRG shall be revised as per para-3 of DoP&PW OM No.28/03/2024-P&PW(B)/Gratuity/9559 dated 30.05.2024. The maximum limit of Death Cum Retirement Gratuity shall be Rs. 25.00 lacs w.e.f. 01.01.2024.

3. There is no change in the formula for calculation of pension/family pension. BSNL/MTNL absorbees employees will, therefore, continue to get pension based on the same formula.

4. There will be no change in the provisions relating to the commutation values.

#### **BSNL ORDERS**

##### **DLC for BSNLMRS**

No BSNLCO-ADMN/61/13/2022-ADMN dated 21-11-2024 to all CGMs and Unit Heads.

As you are aware, retired employees are required to revalidate their BSNL MRS Card every year. The medical card revalidation is being done in the respective BAs for which retirees are required to be present in person in concerned office or sometimes documents are sent via posts.

It is observed that this very requirement of personally being present in front of concerned person in respective office causes a lot of hardships and unnecessary inconveniences particularly for the aged and infirm retirees who cannot always be in a position to present themselves in front of the particular authority.

Moreover, it is seen that Online Digital Life Certificate for Pension related requirements is now being done through biometric enabled Jeevan Pramaan digital service for pensioners which provides life certificates to the authorized pension disbursing agencies like Banks, Post offices etc.

Hence in order to enable hassle free revalidation of Medical Card issued

to retired employees under BSNL MRS, it is decided that Medical Card issued to BSNL retirees shall be validated yearly on submission of digital Life Certificate issued by Jeevan Pramaan Portal. Digital Life Certificate may be submitted to the concerned authority electronically through email/messenger etc. to concerned BA/SSA/Circle office. However, existing process of revalidation shall continue for any change in beneficiary.

It is therefore, requested to nominate one AGM/SDE under ADMIN/HR section in Circle/BA offices for confirming revalidation of BSNL MRS Card electronically, on the basis of Digital Life Certificate received through email/messenger from retired employees. The official email(s)/Contact details of Nodal Officer may also be provided to unions/associations representatives.

A compliance report for the same shall be submitted by 10<sup>th</sup> December 2024, positively for perusal of Director (HR).

##### **DLCs FOR CONCESSIONAL CONNECTIONS**

BSNLCO-ADMN/80/2/2020-ADMN dated 4-12-2024 to all CGMs and Unit Heads

Ref: (i) Circular No 11/2007-PHA dated 20-7-2007

(ii) BSNLCO-ADMN/61/13/2022-ADMN Dt. 21-11-2024

Vide Circular at no (i) above, BSNL retirees are required to submit the physical Life Certificate to the commercial officer for continuation of the concessional telephone connection.

In order to facilitate these retirees and provide them with the smoother process for the continuation of the connection i.e. CTC/BB/FTTH/GSM, it has been decided that

(a) The Digital Life Certificate issued by the Jeevan Pramaan Portal may be accepted for the continuation of the connection available by the BSNL retiree.

(b) Vide circular at referenced under (ii), Circles have already been asked to nominate one AGM/SDE under Admn/HR section to oversee the processing and validation of digital life certificate received via email/messenger for retired employees. The same may be shared by the nodal officer with commercial section for validation of the concessional connection of retired employee.

A compliance report for the same shall be submitted by 20<sup>th</sup> December 2024 positively to perusal of DIR(HR).

This issue with the approval of the competent authority.

**Note:** The pensioner need not submit DLCs again to BSNL for continuation of the concessional connections if he has already sent DLCs for BSNLMRS facility. The Nodal Officer is asked to share the DLCs with Commercial Section.

## **Analysis of some recent orders:**

### **1. DO NOT DELAY PENSION PAYMENT**

■ The Department of Pension and Pensioners' Welfare (DoPPW) recently issued the Central Civil Services (Extraordinary Pension) Rules, 2023.

■ These rules apply to government employees covered under the Central Civil Services (Pension) Rules, 2021.

■ In a recent case, a court directed the government to provide Extraordinary Pension to the eligible family members of certain government employees killed in action during duty. Court ordered that these family members be granted a family pension under the EOP Rules.

■ However, the concerned department initially believed that since the EOP Rules were issued by DoPPW, it was DoPPW's responsibility to implement the court's order.

■ The matter was later clarified, confirming that the concerned department itself should implement the order, and the department eventually complied.

■ The delay in processing resulted in prolonged payment of benefits to the affected families.

■ The concerned department is urged to release all retirement benefits, including EOP, as per the rules without delay.

■ Under Rule 65 of the CCS (Pension) Rules, 2021, any delay in pension, gratuity, or family pension payments attracts interest penalties..

### **2. PENSION APPLICATION ONLINE ONLY NOW**

■ DoPT and DoPPW both have jointly issued instructions on 4-11-2024 regarding Latest Rule for Pension Claims that submitting Single Pension Application Form 6-A only through Online from 6.11.2024 in Bhavishya/e-

#### **HRMS 2.0**

■ Latest Rule for Pension Claims: Online Pension Application Form 6-A

■ The new Form 6-A has been added to Bhavishya and e-HRMS 2.0 systems.

■ Effective Date: It will be accessible to retiring Central Government employees starting November 6, 2024.

■ Mandatory Requirement: Retiring Central Government employees are now required to fill out Form 6-A only through the online mode.

■ The Single Pension Application Form 6-A must be submitted via either the Bhavishya or e-HRMS 2.0 platform.

■ Paper-based submissions for Form 6-A will no longer be accepted.

### **3. FAMILY PENSION DISPUTE IN CASE OF TWO WIVES.**

■ References have been received regarding the eligibility of family pension for the second wife when the first wife is still alive.

■ Having a second wife while the first wife is alive is against the provisions of the Hindu Marriage Act, 1955 and contradicts the Central Civil Services (Pension) Rules, 2021.

■ After examining the matter, it has been decided that such cases must be processed in accordance with the CCS (Pension) Rules, 2021.

■ The legality of the second marriage must first be determined on a case-by-case basis in consultation with the Department of Legal Affairs to decide on the eligibility for family pension.

■ All Ministries/Departments are requested to consult with the Department of Legal Affairs before making any decisions on the settlement of family pension involving two wives under the CCS (Pension) Rules, 2021.

■ These cases should be reported to the officer handling pensioners' benefits in the concerned Ministry/Department by the respective attached or subordinate offices.

#### 4. PERIODIC VERIFICATION OF QUALIFYING SERVICE.

In a recent Office Memorandum dated October 25, 2024, the Department of Pension and Pensioners' Welfare under the Ministry of Personnel, Public Grievances, and Pensions has issued strict instructions to all ministries and departments, focusing on the periodic verification of qualifying service. This directive aims to ensure that government employees' eligibility for pension is accurately tracked and reported, preventing potential delays and errors at the time of retirement.

■ Government employees who have completed 18 years of service and are within five years of superannuation fall under the purview of this periodic verification.

■ As per Rule 30 (1) of the Central Civil Services (Pension) Rules, 2021, the Head of Office, in consultation with the Accounts Officer, must verify the qualifying service.

■ This service verification is communicated to the employee in Format 4, confirming their eligibility for pension benefits.

■ The memorandum mandates that a report be submitted to the Secretary of each Administrative Ministry/Department by January 31st of each year.

■ This report should detail the number of employees eligible for the qualifying service certificate, those who received it, and reasons for any delay or lack of issuance.

■ The guidelines extend to employees covered under the National Pension System (NPS), as stated in Rule 21 of the CCS (Payment of Gratuity under NPS) Rules, 2021.

■ This ensures consistent service verification for NPS employees as well, promoting transparency in gratuity and pension eligibility.

■ Despite the routine communication of these rules, the government has observed that the qualifying service verification is often not communicated to the concerned employees as required. This latest memorandum is a reminder to all ministries and departments to reinforce compliance. Heads of Offices are encouraged to take these provisions seriously, making sure employees have clarity on their qualifying service well in advance of their retirement.

■ For government employees, this memorandum serves as an assurance that their years of service and pension eligibility will be verified in a timely manner. With regular tracking, the government aims to eliminate last-minute delays in pension processing, allowing employees to retire with the peace of mind that their benefits are secure.

#### 5. NO DISCIPLINARY ACTION AFTER RETIREMENT

In a pivotal ruling that affects employment and disciplinary procedures across public sector banks, the Supreme Court of India has ruled that disciplinary proceedings initiated after the superannuation of an employee are void.

##### **Background of the Case**

The dispute arose after Navin Kumar Sinha, a former officer of State Bank of India (SBI), was dismissed from service following a disciplinary proceeding. Sinha was initially set to retire on December 26, 2003, but was granted an extension of service until October 1, 2010. The disciplinary proceeding against him was initiated only on March 18, 2011, which was after his extended period of service had ended. Sinha was

accused of multiple violations, including sanctioning loans to family members without due approval and unauthorized transactions. He challenged his dismissal, leading to a series of appeals that culminated in this Supreme Court ruling.

### **The Court's Key Observations**

The Supreme Court, led by Justice Ujjal Bhuyan and Justice Abhay S. Oka, upheld the earlier judgments of the Jharkhand High Court, which had quashed the disciplinary actions taken against Sinha. The Court made the following key observations:

□ **Jurisdictional Limits:** The disciplinary proceedings initiated after the respondent's superannuation were declared void. The Court emphasized that once an officer retires, the employer has no jurisdiction to initiate disciplinary proceedings unless the service rules specifically allow for such actions.

□ **Service Rules Interpretation:** The Court interpreted the State Bank of India Officers' Service Rules, 1992, noting that under Rule 19(3), disciplinary proceedings may only continue post-retirement if they were initiated before superannuation. In Sinha's case, no such proceedings were initiated before his retirement, rendering the subsequent actions unlawful.

□ **Master-Servant Relationship:** It was noted that the master-servant relationship between SBI and Sinha ended on October 1, 2010, meaning that disciplinary actions taken after this date were non est in the eyes of the law.

### **Implications for Employers and Employees**

◆ **No Disciplinary Action Post-Retirement:** Employers, particularly in the public sector, must ensure that any disciplinary proceedings against employees are initiated before their retirement or extension of service ends.

◆ **Clarity in Service Rules:** The ruling stresses the need for clear and specific service rules that

outline when and how disciplinary actions can be pursued post-retirement.

◆ **Protection for Retirees:** For employees, this ruling provides a layer of protection against punitive actions initiated after their retirement, ensuring that their retirement benefits are not unjustly withheld.

### **Court's Final Order**

The Supreme Court directed SBI to release all the service dues of Navin Kumar Sinha within six weeks from the date of the judgment. The Court also observed that the disciplinary actions were unjustified given that they were initiated after Sinha had ceased to be in service, making the proceedings void ab initio.

## **6.MARRIED DAUGHTERS for compassionate appointment.**

□ The Department of Personnel & training vide their No. 20034/dated 24-10-2024 addressed to Department of Posts has clarified that that married daughters can be considered for appointment on compassionate grounds. Eligibility requires the married daughter to have been wholly dependent on the deceased Government servant at the time of death or on the medically retired Government servant at the time of retirement.

□ The married daughter must also support other dependent family members of the deceased or medically retired Government servant.

□ It is the responsibility of the administrative Ministry/Department to verify these conditions for married daughters seeking compassionate appointments. Eligibility for such appointments must align with the provisions outlined in the Department's Office Memorandum (OM) dated August 2, 2022.

# PENSION DATA DISCREPENSIES

CHQ WRITES to CGCA, New Delhi on 19-11-2024

We seek your kind attention to the pressing issue concerning data discrepancies within the Sampann pensioner system which has led to interruptions in pension disbursement to many pensioners. We request your urgent intervention to streamline the Digital Life Certificate process, particularly for family pensioners facing difficulties due to errors in their details.

1. As you may be aware, many pensioners are experiencing interruptions in their pension disbursements due to mismatches between their Date of Birth (DOB) and name details as recorded in their PPOs and Aadhaar. This issue is particularly prevalent among family pensioners, where DOB was historically recorded based on the husband's information instead of verified documents.

2. When Aadhaar cards were initially issued, numerous errors occurred during data entry by staff or due to incorrect information provided by family members on behalf of spouses. Compounding the problem, most family pensioners lack Birth Certificates or educational certificates to substantiate their claims for DOB corrections.

3. Given the absence of a formal mechanism to amend DOB details in PPOs, we strongly urge to devise a suitable correction process in Sampann Data for family pensioners. This step would address the problems faced by pensioners and ensure uninterrupted pension disbursements.

4. DOB and Name Mismatches: Instances where DLCs are submitted yet pension payments are halted due to mismatched information should be urgently addressed. Pension payments should not be stopped if the DLC has been duly

submitted, whether through Jeevan Pramaan or physical submission.

5. Data Purification in Sampann: Data for pensioners, including family pensioners, was migrated from Banks and Postal Offices (POs) into the Sampann system without comprehensive verification, as time constraints did not allow for full data purification. As a result, incomplete or incorrect details have caused unnecessary complications in pension processing.

6. e-PPO Generation and Sampann Certificates: We request that e-PPOs be generated for all migrated cases to rectify discrepancies, and Sampann Certificates be issued. This would enable pensioners to download PPOs with accurate and complete information.

7. Priority Handling by CCA: The CCA should prioritize cases with DOB, name, or KYC mismatches, conducting physical interactions with family pensioners if needed. This proactive approach will help complete KYC updates and prevent future issues. We request the CGCA to issue necessary instructions to field units to address these issues:

■ Implement a procedure for correcting the discrepancies in DOB and names (surname etc) in PPOs for pensioners.

■ Ensure pension disbursements are not interrupted if the DLC is received.

■ Expedite the generation of e-PPOs and issue Sampann Certificates for accurate record keeping and ease of access for pensioners.

By addressing these discrepancies and establishing a clear, streamlined DLC process, the Sampann system can better serve the interests of pensioners and ensure pension disbursements without undue interruptions.

RUMOURS PUT TO REST

## **NO PROPOSAL FOR 8th CPC**

On 3-12-2024, Shri Javed Ali Khan MP and Shri Ramji Lal Suman MP raised a question in Rajya Sabha whether the Government was considering announcing the formation of the Pay Commission in the upcoming Budget session of February 2025, especially in light of rising inflationary trends. Responding to the query, Shri Pankaj Chaudhary, Minister of State in the Ministry of Finance, categorically stated that there is currently no proposal under consideration for constituting the Eighth Central Pay Commission. His response has caused disappointment among approximately 50 lakh Central Government employees and 60 lakh pensioners, who were expecting salary and pension revisions effective from January 1, 2026, following the decennial practice of pay revisions.

## **NO PROPOSAL TO RAISE RETIREMENT AGE**

On 4-12-2024, Shri Tejasvi Surya, Member of Parliament, raised a question regarding the reconsideration of the retirement age for Central Government employees. The inquiry sought clarity on whether the government plans to revise the superannuation age to a maximum service period of 30 years or 60 years of age, whichever comes first, to ensure uniformity in civil services and create more opportunities for youth born after 2000. The government confirmed that there is no proposal under consideration to change the retirement age criteria.

## **NO PROPOSAL TO RAISE INCOMETAX SLAB FOR SENIOR CITIZENS.**

On 25-11-2024, Shri Eatala Rajender MP raised question in Lok Sabha spotlighting growing calls for income tax relief for senior citizens. The question encompassed potential changes in tax rebates and deductions for senior citizens, reflecting concerns voiced by various Elder Welfare Associations across India. Here's what the government had to say. Responding to the inquiries, Shri Pankaj Chaudhary, Minister of State in the Ministry of Finance, clarified:

- **Ongoing Deliberations:** The government regularly receives numerous suggestions and proposals during the annual budget exercise. These are carefully reviewed, and any decisions are reflected in the Finance Bill presented in Parliament.
- **No Immediate Plans:** As of now, there are no formal plans to revise the income tax slabs for senior citizens or increase the NSC deduction limits.



# YEARS VANISHED, FRIENDSHIP ENDURED

*“Ramankutty, I was waiting for you since morning”* Com. N Bhaskaran (93) welcomed me on 20<sup>th</sup> October 2024 when I visited the veteran at his residence in Bangalore. Myself and Com. Santhamurthy were bit late in reaching his residence in the evening.

I was Kerala Circle Convener of P&T Unions (NFPT) from 1978 to 1987. During that period I had heard of Com. Bhaskaran from Com. N J Iyer, the then GS of R III Union. Later, when I was in New Delhi as GS of T III Union Com. Bhaskaran used to visit me whenever he came to the capital city. As such, it was a reunion after a long gap. Those years vanished in an affectionate hug. Fond memories were rekindled.

Com. Bhaskaran was elected as the first Circle Secretary of R III Union from 1960 when erstwhile composite Madras Circle was trifurcated. As the CS for 12 years he led the P&T employees in Karnataka in two historic strikes, 1960 and 1968, for which he was suspended from service for 3 months and 14 months respectively. Same Department later honored Com. Bhaskaran conferring the prestigious “Dak Seva Award”. He retired from service in 1990.

After retirement, the visionary leader founded RMS Pensioners Association Karnataka, then Karnataka P&T Pensioners’ Association and Coordination Committee of Central Govt Pensioners’ Associations. He was instrumental for holding national meeting of Pensioners associations on 15-10-2006 (which I too participated) to prepare “One memorandum” on pension to the 6<sup>th</sup> CPC, and that conclave



## **Coms. P S Ramankutty, N Bhaskaran and Santhamurthy**

facilitated formation of an umbrella organization of Central Govt Pensioners called **Bharat Pensioners Confederation**. In 2014 Com. Bhaskaran took another initiative to have a consensus on placing demands before 7<sup>th</sup> CPC also. Karnataka P&T Pensioners Association wholeheartedly supported our demand for pension revision of BSNL retirees at par with Central service pensioners.

Com. Bhaskaran was the brain behind publication of “Compendium on Pension, CGHS and Medical facilities for BSNL Pensioners”, published in eight editions so far. The “**Pensioners’ Bhavan**” in Bengaluru stands as a monument of yet another significant contribution of Com. Bhaskaran, quite unique in the entire country.

Like his Guide and Philosopher late Com. N J Iyer, Com. Bhaskaran brought up second line leadership in the organizations and stepped down from all posts voluntarily, paving way for new generation of leaders. (Some leaders want to continue in position till their last breath.) He is an epitome of untiring efforts, patience, promptness, integrity, honesty, coordination and cooperation.

My long desire to visit the veteran was fulfilled in October 2024 when I was invited to the special CEC meeting of our Karnataka Circle and District conference of Bengaluru.

P S Ramankutty

# VAY VANDANA CARD

**On 1-11-2024, registration is started for availing the newly introduced Ayushman Bharat Vay Vandana Card. This Card is universal and there is no restriction on income, be it poor or middle class or upper class. Every senior citizen above the age of 70 will receive free treatment in hospitals. These senior citizens will be issued the Ayushman Vay Vandana Card. To apply for the Ayushman Vaya Vandana Card, eligible seniors or their family members can follow these steps:**

- Step 1: Visit the official website at beneficiary.nha.gov.in
- Step 2: Enter captcha, mobile number and authenticate. Click Login
- Step 3: You will find a banner to enroll for citizens over 70 and click on it
- Step 4: Enter the mobile number and captcha. Click on search
- Step 5: It may show that this Aadhaar number does not exist, in such case, user can click on fresh enrollment
- Step 6: Enter OTP, agree consent for Aadhaar usage and click allow.
- Step 7: Enter both the OTPs, on the declaration page it displays that beneficiary is eligible for Ayushman scheme.
- Step 8: Click on none of the above and proceed ahead.
- Step 9: Capture photo and proceed.
- Step 10: Declare all family members details. Confirm that all the information provided is true to your knowledge.

**After approval, download Ayushman Vay Vandana Card after 15 minutes.**

## **How to avail the Card on mobile, as per the National Health Authority ?**

- Step 1: Download Ayushman APP
- Step 2: Click on Login as beneficiary
- Step 3: Enter Captcha, enter mobile number and select the mode of authentication and enter captcha again' and click Login.
- Step 4: Enter beneficiary details, Aadhaar details
- Step 5: If a beneficiary is not found, follow the process for eKYC. Give consent for OTP.
- Step 6: Provide declaration as applicable, capture photo and fill all the additional applications
- Step 7: Enter beneficiary mobile number and OTP
- Step 8: Fill in details of beneficiary such as category, PIN code.
- Step 9: Add family members' details and proceed to submit
- Step 10: E-KYC is completed; You can download the Ayushman Vay Vandana Card after some time after approval.

Beneficiaries can begin accessing treatment from the first day of enrolment. There is no waiting period for any disease or treatment, so coverage starts immediately. There is no income limit set by the government for eligibility under this scheme. Any Indian citizen aged 70 or above is eligible irrespective of income.

Retired govt. employees aged 70 and above who were previously part of the CGHS and ECHS have the option to continue with their existing coverage or switch over to the new Ayushman Bharat scheme.

**[Economic Times, 2-11-2024]**

# NEW PAN CARDS

**As usual there is lot of publicity hype about the new Pan Cards.  
What is the fuss about it all ?Let us try to understand it**

The Union Cabinet Committee on Economic Affairs (CCEA) has approved the Income Tax Department's permanent account number (PAN) 2.0 Project to streamline and modernise issuing and managing PAN and Tax Deduction and Collection Account Number (TAN). There are 7 crore PANs and 7.328 million TANs.

## **What is PAN 2.0?**

It is an e-governance project for re-engineering taxpayer registration. The objective is to enhance the quality of PAN services through latest technology. Under this project the department is consolidating all processes related to PAN allotment/ updating and correction. TAN-related services have been merged with this project. Besides, PAN authentication/validation through online PAN validation service will be provided to user agencies such as financial institutions, banks, government agencies, and central and state government departments.

## **How will PAN 2.0 be different from the existing setup?**

At present PAN-related services are hosted on three portals (e-Filing Portal, UTIITSL Portal and Protean e-Gov Portal). In PAN 2.0, all PAN/TAN-related services will be hosted on a single unified portal. The portal will host end-to-end services related to PAN and TAN like allotment, updating, correction, online PAN validation (OPV), and a request for reprinting the PAN card. Now there will be comprehensive use of technology for paperless processes. Allotment /updating/ correction will be done free and e-PAN will be sent to the registered mail id.

**Will the existing PAN card holders be required to apply for a new PAN under the upgraded system?**

No.

**Can people correct their names, spellings, addresses, etc?**

Yes. They can do so free after PAN 2.0 commences. Till it is rolled out, PAN holders can take the Aadhaar-based online facility for updating/correcting emails, mobile phones, and addresses for free. In any other cases, holders can do so using the existing process either by visiting physical centres or applying online — for a payment.

**Does one need to change one's PAN card under the PAN 2.0?**

No. The PAN card will not be altered unless the holder wants any change.

**If new PAN cards are QR code-enabled, will older ones continue to function as they are? How will the QR code help?**

The QR code is not a new feature, and it has been there in PAN cards since 2017-18. This will continue under PAN 2.0 with enhancements (a dynamic QR code, which will display the latest data in the PAN database).

A PAN holder with an old card without a QR code has the option to apply for a new card with a QR code in existing PAN 1.0 eco-system as well as in the PAN 2.0.

# TEAM KERALA STARTS THE WORK IN EARNEST

Comrades in entire Kerala Circle have started the work in earnest to host next AIC of AIBSNLPWA in Kochi during November 2025 in a befitting manner. On 7<sup>th</sup> November 2024, a special Circle Executive Committee meeting was held to discuss the proposal. Com. P S Ramankutty, Com. R N Pada Nair and Com. A P Saraswathy explained the huge responsibility taken up and sought cooperation of all members in the Circle. After threadbare discussion a 15 members Preparatory Committee was constituted with Com. R N Pada Nair as Chairman, Com. T P George as Convener and Com. K A Augustine as Treasurer for the initial work. Same day, some of the members of Preparatory Committee along with Com. Ramankutty visited various locations, checked the facilities available and also availability of the accommodation. The Renewal Centre, at Kaloor Ernakulam was identified as the ideal location to hold the conference. It is about 4 Kilometre away from

both the Ernakulam Town Railway station and Ernakulam Junction Railway Station. The CEC finalized a road map of actions to be taken starting with holding District level conventions from 9<sup>th</sup> December 2024 to 17<sup>th</sup> December 2024. Accordingly special conventions were held in 9 Districts during the period of 9-17 December 2024. Coms. Ramankutty, Pada Nair, Saraswathy, George, Augustine, K Ravindran (Circle President), P K P Nair, K M Joseph, John Daniel, M C Chacko, S Radhakrishnan and other leaders addressed these conventions and explained importance of AIC and status of various court cases, proposed legal fight on commutation, notional increment, DLC campaign etc. Since Calicut and Malappuram district units had already planned special meetings on 17-12-24 to observe Pensioners Day, they will hold special convention on AIC later. Photo of the special convention held at Ernakulam on 17-12-2024 is given below.



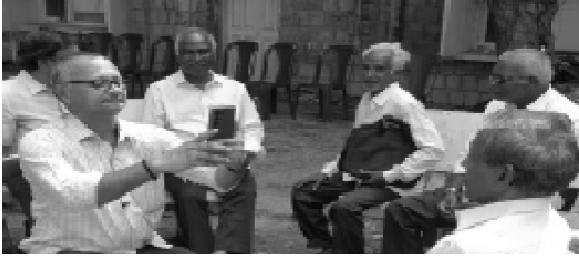
## REGRET FOR THE ERROR

In the last issue of Patrika, in Page 4, while discussing the case filed by senior officers belonging to S-39 scale, it was written as : “... *Then in 2009 they filed a case in CAT New Delhi. CAT gave an order on 20-11-2024 in their favour.*” The CAT gave the said order in 2009 itself, not in 2024. I committed the mistake while typing. Such errors occur often due to my age. I regret for it.

P S Ramankutty, Editor

# DIGITAL LIFE CERTIFICATE CAMPAIGN

Units of AIBSNLPWA all over India organized Digital Life Certificate Campaigns from November 2024 and helped large number of Pensioners in submitting their life certificate electronically. Few photographs are given below.



DLC CAMPAIGN IN ANDHRA



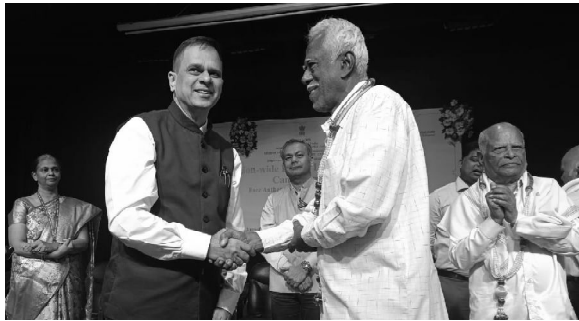
DLC CAMPAIGN IN PUNJAB



DLC CAMPAIN IN KOCHI



DLC CAMPAIN AT COIMBATORE,



## CONGRATULATIONS TEAM KARNATAKA

In 2023, our comrades in Karnataka Circle generated 3057 Digital Life Certificates visiting pensioners at their residences and organizing DLC camps.

In a function organized by DoP&PW jointly with SBI on 8-11-2024 in Bengaluru, Shri Srinivas, Secretary, DOP&PW felicitated Com. Janardhana Rao, DS, BG TD for the commendable work. Department of Pension pays honorarium at the rate of Rs. 40 per DLC generated. Thus, our Karnataka comrades earned a sum of Rs. 1,22,280.00. The amount was credited in our CHQ account by DoP&PW in accordance with the rules and CHQ transferred the amount to respective SSA units. Karnataka comrades have generated 2884 DLCs during November 2024. It is being done day to day basis and it continues.

# VIJAYAWADA GUNTUR FLOODS RELIEF FUND

CHQ received following donations (circle wise) towards Vijayawada Guntur Floods relief Fund as on 1st November 2024. Fund raised by AP Circle was distributed to some of the affected persons directly.

|                        |                  |                   |                   |
|------------------------|------------------|-------------------|-------------------|
| <b>AIBSNLPWA CHQ</b>   | <b>100000.00</b> | <b>Haryana</b>    | <b>10000.00</b>   |
| <b>Andhra (Direct)</b> | <b>1000.00</b>   | <b>Karnataka</b>  | <b>255000.00</b>  |
| <b>Assam</b>           | <b>5000.00</b>   | <b>Kerala</b>     | <b>507164.00</b>  |
| <b>Chennai TD</b>      | <b>12000.00</b>  | <b>Tamilnadu</b>  | <b>136605.00</b>  |
| <b>Gujarat</b>         | <b>5000.00</b>   | <b>Telanagana</b> | <b>85500.00</b>   |
|                        |                  | <b>TOTAL</b>      | <b>1117269.00</b> |

## OUR SUPPORT TO THE FLOODS VICTIMS

Due to the floods in Vijayawada city, some of our members from areas such as Singh Nagar, Ayodhya Nagar, Bhavanipuram, Ramalingeshwar Nagar, and Ramakrishnapuram were affected. In response, donations were collected from members of AIBSNLPWA, AP Circle to provide assistance to those impacted. A sum of **Rs. 9.15 lakhs** was distributed on 25-10-2024 during a program held for this purpose in Vijayawada, benefiting approximately 85 members. The event was graced by General Secretary Com. V. Varaprasad and Krishna District BSNL General Manager L. Srinu as chief guests. This initiative was organized under the leadership of AP Circle President K.S. Koteswar Rao, Circle Secretary D. Venkateswara Rao, Circle Treasurer K.J. Narayanachari, Krishna District President K.K.R.N. Poornachandra Rao, District Secretary C. Bhaskar Rao, and other district executive members. The beneficiaries expressed their heartfelt gratitude and satisfaction for the assistance provided by the Association. Two photos are given in 2.

## LEADERS OF THE MOVEMENT

| <u>District</u> | <u>President</u>   | <u>Dist Secretary</u> | <u>Dist Treasurer</u> |
|-----------------|--------------------|-----------------------|-----------------------|
| AP Guntur       | S Hanumantha Reddy | Y Babu Rao            | K Venkiteswara Rao    |
| AP Tirupathi    | N Tulasi Das       | A R Soundara Rajan    | P Rajagopal           |
| KT Mysore       | D Govinda Raju     | Rajasekhara           | A O Aravindakshan     |
| KT Shivamoga    | S S Ritti          | B G Chandrasekharappa | D Govindappa          |
| RJ Jaipur       | O P Maratha        | Rajkamal              | S N Agarwal           |
| TN Nagercoil    | S Eugene           | Kasi                  | Balan                 |
| TN Salem East   | M Ganesan          | S Chinnasamy          | P Raja                |
| UPE Allahabad   | K N Yadav          | J H Nath              | G D Pandey            |
| UPW Mainpuri    | Umashankar Shukla  | Ram Babu Dubey        | Pratipal Singh        |

# AIBSNLPWA CONFERENCES



RAJASTHAN CIRCLE CONFERENCE: 24-11-2024



MAINPURI DIST CONFERENCE  
17-11-2024

GORAKHPUR DIST CONFERENCE  
Com. Anupam Kaul, Dy. GS speaks



PHILIBIT DIST CONFERENCE  
24-10-2024

STR CONFERENCE : 12-11-2024



ANDHRA CEC MEETING : 26-11-2024

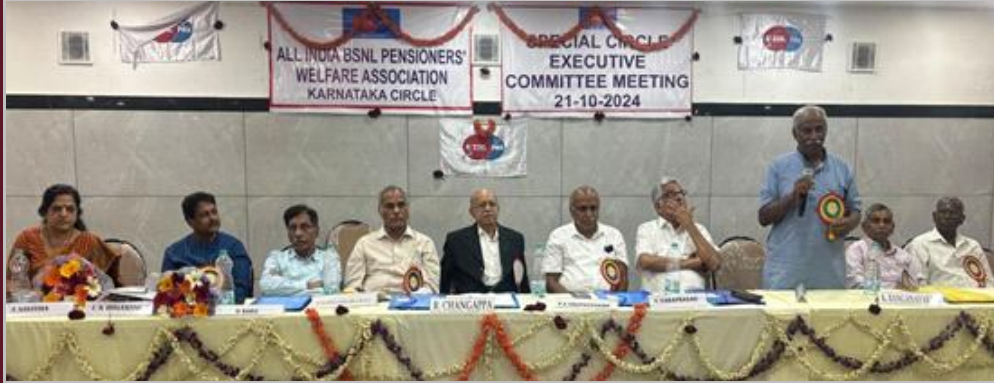
# PENSIONERS PATRIKA

JANUARY-FEBRUARY, 2025

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of alternate month



Karnataka Circle Special CEC meeting held on 21-10-2024 in Bangalore: Com. Jaya Shankar, newly nominated Circle Secretary, speaks



Chennai TD CEC meeting held on 25-10-2024



HP CEC ON 16-11-2024

KERALA CEC ON 7-11-2024