



SANCHAR NIGAM EXECUTIVES' ASSOCIATION

CENTRAL HEAD QUARTERS

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All Communications
to the General Secretary

To,
Shri Ajay Kumar Sahu ji,
Member Services, Department of Telecommunication,
20, Ashoka Road Sanchar Bhavan, New Delhi 110001.

Letter No. SNEA CHQ/Corr /DoT Corr/2023

Dated 16th August 2023.

Sub: Request for Grant of the benefits under CCS (Pension) Rules, 1972 to the BSNL Executives/Non Executives whose advertisement/ recruitment notification issued by DoT but who joined duties in BSNL.

- Ref:
1. DOP&PW OM No: 57/05/2021-P & PW (B) Dated 03/03/2023,
 2. DOT letter No. 36-03/2019- Pen (T) Dated 17/04/2023
 3. DOT TTA RR letter No.7-35/99-NCG Dated 01/11/1999
 4. SNEA Letter No. SNEA/CHQ/CMD/2018-21/98 Dated 11/08/2020.
 5. SNEA Letter No. SNEA/CHQ/CMD/2018-21/135 Dated 18/06/2021.
 6. SNEA Letter No. SNEA CHQ/Corr/CMD BSNL/2022-23 Dated 13/03/2023.
 7. BSNL CO Letter No. 48-2/2023/Pen (B) Dated 12/06/2023.
 8. SNEA Letter No. SNEA CHQ/Corr/DoT Corr/2023-24 Dated 10/07/2023.
 9. DoT Letter No. 27-01/2022- SNG Dated 14/07/2023 and 04/08/2023.
 10. Department of Telecommunication Services OM N0.2-29/2000-Restg Dated 30/09/2000

Respected Sir,

We convey our sincere thanks and gratitude for giving us time on 03/08/2023 for preliminary discussions on some important issues of BSNL Executives viz. 3rd PRC, Standard pay Scales, Time Bound Promotions, Old Pension issue, 4G services for BSNL etc which needs kind intervention from your high office. We are also thankful grating us time today for detail discissions on this important issue related to about 3000 Executives in BSNL.

In continuation of these discussions in your high Office, we will be submitting details of the pending issues shortly. To start with, we are submitting details of our request for action on part of DoT **to grant Old Pension to the Employees in BSNL whose advertisement / recruitment notifications issued by DoT/DTS/DTO and have joined in BSNL** for kind perusal and kind intervention into genuine request of BSNL Executives.

Sir, as per letter under reference 1, Department of Pension & Pension Welfare GoI, has extended the Old Pension Scheme to all the executives/Non Executives who were recruited against the post/ vacancies advertised / notified for recruitment on or before 22/12/2003. In similar lines the executives/Non Executives in BSNL who have requested for application of these guidelines to BSNL Executives/Non Executives who have joined DoT/BSNL at later stage.

Many BSNL Executives and Non-Executives have submitted their request for granting them option to opt for pensionary benefits under CCS Pension Rule 1972. SNEA also has requested your good office vide letter under reference 4, 5 & 8 for the same.

With continuous pursuation with BSNL management, these requests were recommended by BSNL and sent to DoT for decision on issuing Presidential Orders so as to extend the pensionary benefits under CCS Pension Rule 1972 by exercising option in given time. We have also pursued with different officers in DoT, but finally vide letter

dated 14/07/2023 under reference 9, DoT has directed BSNL to dispose all these applications at level of BSNL as these guidelines are not applicable to BSNL Employees. Hence we solicit your kind attention and intervention in this very important issue.

In this regards, it is to bring to your kind notice that these guidelines issued by Pension Department are for all Government Employees vide their OM referred at ref. 1 above, who were recruited against the post/ vacancies advertised / notified for recruitment on or before 22/12/2003 and about 3000 Executives/Non Executives working in BSNL which have joined BSNL on DOT (Govt.Of India) advertisement /notifications are eligible as per the condition and the difference is that Government Employees are covered under NPS and the BSNL Employees are covered under EPF.

DoT/BSNL has recruited, appointed and started training of many Executives and Non-Executives including CGA Appointments before this date of NPS/EPF implementation. About 3000 employees have joined BSNL. Though absorption from DoT to BSNL has been given backdated effect from 01/10/2000, many of the executive/non-executives recruited by DoT have joined their services in DoT/BSNL period and some of executives/Non Executives have practically joined in DoT period and were allotted Pension but same was withdrawn later after 5 to 8 years of their service length and they are compelled to re-opt for EPF.

Gol Through the MOC Vide their OM Ref. No. 10 above had communicated that **'certain class of employees will stand transferred to BSNL along with their posts on existing terms and conditions on, as is where is basis, on deemed deputation without deputation allowance on formation of BSNL'**. In this letter there is no mention of the existing posts whose process of recruitment was initiated by the DOT/DTS/DTO and was under process during the issuing of this OM. Secondly the posts for which recruitment was under progress were not created by BSNL but were already under Recruitment process of DOT/DTS/DTO.

Similarly Hon.High Court of Kerala in the case of Abdul Rasheed and others V/s Union of India and Others. too held that **'The Conversion of a Government Department into a PSU(BSNL) does not disable the persons recruited prior to the actual date of conversion from being considered as Government employees for the reason of their appointment being after the new PSU(BSNL) came in to existence'**, which implies that the above category of employees does come in the category of Government employees and hence the DoPPW OM Dated 03.03.2023 does indeed applies to such employees in BSNL as they too are Government Employees.

Sir, in view of the position explained above & instructions contained in above OMs as issued by Government of India, DOP&PW and with all above facts it is crystal clear that these executives are eligible for pensionary benefits under CCS Pension Rule 1972. and only difference is applicability of EPF in place of NPS.

This was a decision of the Government of India to implement NPS for Government Employees and EPF for PSU employees and for this decision of Government, the concerned Executives and Non-Executives in BSNL cannot be held responsible as they have obeyed the orders of Gol/DoT. Important point is that many of them are recruited as per DoT advertisements/ notifications only and should have been given the option to choose either of DoT or BSNL or MTNL services at par with other DoT employees/officers, but no such options was made available to them and are compelled to join BSNL.

NPS was deployed on 23/12/2003, but these BSNL employees were not given option to join NPS or EPF and were directly allotted EPF and now the old pension is being extended as per the directives of Hon. High Court of Delhi pronounced on 11/01/2023.

Thus, it is need of time that this issue of applicability of Old Pension as per CCS (Pension) Rules, 1972 to the BSNL Executives/Non Executives who have joined DoT/BSNL is reviewed and these Executives and non-executives and they should be allowed to send the option at par with Government Employees. This will end the state of ambiguity and many litigations active in various courts all over India for the same.

We request your kind honour to look into this issue and issue early directions to concerned officers to review these genuine recommendations by BSNL either by issuing Presidential Order or by taking up matter with DoP&PW for extension of these options for BSNL Employees who have joined duties in BSNL as per advertisement/ notification issued by DoT/GoI.

This was practically DoT period as entire processes of advertisement/recruitment of these employees have been completed by DoT against Government vacancies and while joining, they have joined in DoT/BSNL. Government has extended this facility to all who have joined services against Government vacancies and all these BSNL employees are qualifying these eligibility conditions and their request needs to be given consideration to give equal treatment to similarly placed employees.

Sir, DoT has been humble and kind enough to give promotions to AGMs/DGMs from DoT as DGM/GMs against vacancies of BSNL and we will request a similar approach towards these Executives of DoT compelled to join duties in BSNL so that their retirement life is also secured. Further, opting to the old pension scheme is optional and will be allowed only to individuals, who will opt it,

Sir, **the last date for submission of Option for Old Pension as per DOP&PW letter is 31/08/2023** and hence we request to take up matter with DoP&PW for extension of this date so that all willing and eligible executives/Non Executives in BSNL will get benefits out of the extension of this old pension scheme.

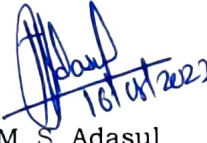
Sir, if required, we are ready for further discussion on this issue, with supporting documents and **we will be highly obliged if some more time is granted by your good office for meeting to discuss this issue in depth with detail feedback & supporting documents**

We will highly appreciate early action and timely justice to these affected executives. We convey thanks in advance.

With Warm Regards,

Sincerely Yours,

Encl: AA


M. S. Adasul
General Secretary
SNEA CHQ

Copy to:

1. Shri Apurva Chandra ji, Secretary, DoT, New Delhi for kind information please.
2. Shri. P. K. Purwar ji, CMD BSNL for kind information please.
3. Shri. Sunil Kumar Verma ji, Jt Secretary Admn DoT for kind information please.
4. Shri. Arvind Vadnerkar ji, Director HR BSNL Board for kind information please.
5. Shri. Saurabh Tyagi, PGM Estt BSNL CO for kind information and n/a please.
6. Shri. Pankaj Garg, DDG SR DoT for kind information please.
7. Mrs. Anita Johri, PGM SR BSNL CO for kind information please.