

JOINT FORUM OF BSNL & MTNL UNIONS / ASSOCIATIONS

[D-7, Telegraph Place, Gole Market, New Delhi- 110001]

BRIEF NOTE SUBMITTED TO Dy.C.L.C (C) HQ, NEW DELHI DURING CONCILIATION PROCEEDINGS ON
28.01.2013

Assurances made so far :

- (1) The assurance of the then MO(C & IT) as conveyed vide DOT's letter No. 40-29/2002-Pen (T) dated 29.09.2002 addressed to C M D /MTNL states as follows :

"The matter was taken up by DOT with Department of Personnel & Training and Ministry of Finance. This is to inform you that it has been agreed in principle that the payment of pensionary benefits including family pension to the Govt. Employees absorbed in MTNL and who have applied for the Govt. Scheme of Pension shall be paid by the Govt. The exact modalities in this regard are being worked out by the Department of Pension and Pension Welfare."

- (2) The assurance was again reiterated in November, 2002, on the floor of Rajya Sabha during 197th Session while answering the unstarred question No. 241 as follows :

" The latest position is that it has been agreed in principle that there should not be any discrimination in regard to pension and pensionary benefits between two sets of erstwhile DOT employees, one seeking absorption in BSNL and other in MTNL. It has also been decided that the employees of MTNL be given the same treatment as available to the employees of BSNL. The exact modalities for implementing the above decision are being worked out by the Deptt. Of Personnel & PW."

[Ref. 38-6/2002-Pen(T) dated 11.08.2002]

- (3) Subsequently again in 2003 while communicating the DOT approved Terms & Conditions for absorption of Group B Officers in MTNL, the assurance was reconfirmed vide letter No. MTNL/30-111/HRD/2000-2001 dated 04.09.2003 conveying the OM No.400-23/2003-STG III dated 29.8.2003 of DOT which reads interalia as :

"5. Payment of Pension :

It will be regulated in accordance with OM No. 4/18/87-P&PW(D) dated 5.7.89 and OM No. 4/42/91-P&PW(D) dated 31.3.1995 as amended from time to time.

The issue of payment of Govt. Scheme of pension to be paid by the Govt. is pending for the want of notification by Ministry of Finance."

- (4) In reply to unstarred question No. 3970 in Lok Sabha, Hon'ble MOS (C & IT) reported on 05.09.2012 interalia :

Contd.....p/2

MKB Singh

"The MTNL Associations/employees are continuously demanding for payment of Pensionary benefits to MTNL employees at par with BSNL employees. They are not supporting creation of pension fund/trust as required under the rules.

The matter was again discussed in a high level meeting during 2007 and accordingly a Cabinet note was submitted on 23.02.2009. However, due to difference of opinions among the concerned nodal Departments on the issue, it was desired that the difference of opinion may first be resolved in Committee of Secretaries before placing the issue to Departments. The opinion of Department of Pension and Pension Welfare as well as Department of Public Enterprises have since been received. Opinion of Department Of Expenditures is still awaited."

- (5) In this connection it is important to refer DOT's letter No.40-24/2009-Pen(T) dated 30/09/2010 Addressed to the General Secretary, MTNL Executive Association that reads interalia :

"Due to difference of opinion among the concerned nodal departments on the issues The PMO desired that the difference of opinion may first be resolved in Committee of Secretaries (COS) before issue is placed before Cabinet. Accordingly, the proposal has Been referred to COS and is still under their consideration. (emphasis is ours) Department Of Legal Affairs has asked for fresh opinion of nodal departments which have been Obtained except from the Department of expenditures (DOE) who are yet to give fresh Opinion inspite of many reminders. After obtaining fresh opinion from DOE, the same Has to be provided to Department of Legal Affairs for obtaining their view for final Submission to the COS."

- (6) It is only on 13.07.2012, the Dy. Secretary/DOT, Govt. of India informed during conciliation Proceeding before RLC (C), New Delhi as follows :

" The Dy. Secretary to the Govt. of India, DOT informed that the Department is seized of the issue related to payment of pension to MTNL absorbed employees directly by the Govt. of India. However, she simultaneously pointed out that the issue requires Inter-departementa/ministerial consultations and final approval by the Ministry of Finance. It is expected that the matter could take a period of about two and a half month to be sorted out."

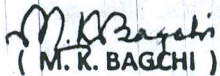
- (7) It is only on 23/7/2012, MTNL Corporate Management assured the United Forum in the Meeting held at Jeevan Bharti Building, New Delhi as follows :

"The sentiments of the employees as expressed during the meetings i.e., the employees Are not agreeable to the formation of Pension Trust at all, had already been communi-Cated to DOT and shall be reiterated again."

M. K. B. Singh

Observation of MTNL Employees :

- (1) MTNL employees strongly feel that the assurances given to them from time to time should be implemented in letter and spirit and without further delay. The Govt should directly pay the prnsion, family pension and other pensionary benefits to the retired employees of DOT absorbed in MTNL on the same line as being done for their counterparts in BSNL.
- (2) MTNL employees have noted with deep anguish that the DOT is in connivance with The present corporate management of MTNL is trying to frustrate that assurances given by The Hon'ble Ministers to MTNL employees as well as to Hon'ble Parliament and for this, pending The meeting of COS which was constituted at the instance of the Cabinet, efforts are being taken to float pension trust which is not acceptable to MTNL employees.
- (3) By doing so both DOT and MTNL have contravened the basic requirements of Conciliation Process that prohibits both side to take any precipitatory action that escalates the situation Towards industrial unrest.
- (4) The employees strongly feel that if DOT/MTNL do not stop immediately their move for forming Pension Trust and thereby take action to implement the opt repeated assurances by Hon'ble Ministers etc both inside and outside the Parliament, the trade union actions which were postponed at the intervention of conciliation process will be resumed at any date without Further notice and for this, DOT/MTNL only should be held responsible.


(M. K. BAGCHI) 28/01/2013
Chairman

(V.A.NAMBOODIRI)
Convener