

22.11.12.
mumbai

Partly Present as per attendance sheet
Adjourned conciliation proceedings held today
The Dy. CCA, DOT, Mumbai submitted a copy
letter No. 25-17/2008-SR dt 20.11.12 along with
brief note of under secretary, DOT. copy
made available to representatives of unions.

The rep. of MGT of MTN2 also submitted letter
dt 20.11.12 of Jt-GM. (HR) MTN2. New Delhi.
copy made available to rep. of unions.

The representative of DOT submitted that manage-
ment of MTN2 has given suggestion/Road map.
To create a single Trust with Govt Guarantee under
Rule 37-A of CCS (Pension) Rules-1972 for all
categories of the absorbees. The suggestion and
roadmap given by the MTN2 for creation of
single Pension Trust is under consideration of
DOT.

The representatives of Joint Forum
submitted that they are opposing the payment
of Pension through Trust & requested for adj.
to discussion among themselves & written submission
conciliation proceedings adjourned &
Fixed on 11.1.2013 at 1130hr

(S. MANI)
DGM (IR),
MTNL, MUMBAI

S.P. BHALERAO
S.M (SR)
22-XI-2012

(V. WILKINSON)
DY. CCA DOT

G. S. AHIRAN
Sr. CAO
DOT Mumbai

(A. RAJESH)
President RTOWA

B. P. RAJINDRA KUMAR
Asst. TEAM

Wang Poores
MEA

Chittaranjan Decker
President MTRKE

(B. R. Pathak)
G. S. (RTOWA)

Dr. R. N. Sankar
Forests - Sandhar

22.11.12
COA 2 C C/M

ANNEXURE I

MTNL was established on 1.4.86 by converting erstwhile Delhi and Mumbai Telephone Units of DOT into a Public Sector Undertaking to manage and control Telecom Services in the two metropolitan cities viz. Delhi and Mumbai. The officers and staff working in DOT in Delhi and Mumbai were transferred en-masse to MTNL.

2. The option for absorption in MTNL were called for in two phases. In the first phase, the option for Group "C" and "D" were called for with effect from 01.11.1998 as per DoP&PW's OM dated 5.7.89. As per this O.M. pensionary benefits to the absorbed employees with combined service benefits would be paid from the Pension fund, to be created and operated by the MTNL as per DOP&PW's OM dated 05.07.1989 read with O.M. dated 01.06.2000. As per Rule 37-A of CCS (Pension) Rules, 1972, the pensionary benefits to those absorbed with combined service benefits would be paid from the Pension Fund/Trust, to be created and operated by the Government.
3. The matter regarding payment of pensionary benefits by the Government to the absorbed employees in MTNL has been pending since 2000 i.e. after the issue of notification of Rule 37-A in CCS (Pension) Rules, 1972. On formation of BSNL, in the year 2002, DOT after due consultation with DOP&PW/DOP&T and Ministry of Finance had made a commitment to the effect that the payment of pensionary benefits including family pension to the Government employees absorbed in MTNL shall be paid by the Government vide DOT's letter No. 40-29/2002- dated 29.08.2002.
4. On the basis of the commitment, the employees of MTNL/MTNL association have started demanding for fulfillment of the Assurance from 2002 onwards. During 2004, due to the differences of opinion among the Central Government concerned Departments, the matter was referred to the Committee of Secretaries (COS) for resolving the issues/opinions. Thereafter, the matter was considered by the COS at its meeting on 14.12.2004 but had not accepted the demand, clearly stating that the issue regarding payment of pensionary benefits of MTNL employees was well settled and did not merit a review at this stage.
5. While conveying the recommendation of the COS to MTNL, they had been asked to set up the Pension Fund/Trust vide DOT's letter No. 40-14/2003-Pen(T) dated 23.8.2005. However, due to stiff resistance from the Staff/MTNL Association, the Pension Fund could not be created so far and they have continuously been demanding for fulfillment of the commitment/assurance made in the year 2002.
6. The matter was again discussed in a high level meeting held under the Chairmanship of Hon'ble MOC & IT on 06.12.2007 and it was decided that a Note for the Cabinet may be put up. Accordingly, a Cabinet Note was prepared with the proposal that the absorbed employees of MTNL may be given similar treatment in the matter of the payment of pensionary benefits as available to the absorbed employees of BSNL and accordingly, the sub-rules 21 to 23 of Rule 37-A of CCS (Pension) Rules, 1972 may suitably be amended to include MTNL alongwith BSNL. The aforesaid Cabinet Note was submitted to the Cabinet Secretariat, which also included the views/comments of Department of Pension and Pensioners' Welfare, Department of Expenditure and Department of Legal Affairs on the issue. However, due to differences of opinion of the concerned Departments on the issue, the PMO desired that the differences of opinion may be resolved in the COS for placing the matter before the Cabinet. The meeting of the COS was held on 23.7.2009. The COS has desired the DOT to get the views of Department of Legal Affairs on certain issues. When the matter was referred to Department of Legal Affairs they asked for fresh views of the nodal Departments on the subject before tendering their legal advice. Accordingly, fresh view of Department of Pension and Pensioners' Welfare and Department of Expenditure have been requisitioned on the issue. Reply from Department of Pension and Pensioners' Welfare has since been received whereas reply of Department of Expenditure is still awaited.

(Signature)
 (RISHAB SINGH DAHIYA)
 Under Secretary (STP)
 मंत्रालय विभाग, भारत सरकार
 Dept. of Telecom, Govt. of India
 New Delhi

Meanwhile, the status of the case regarding payment of pensionary benefits to MTNL absorbed employees was reviewed by Hon'ble MOC& IT on 6th June, 2011. Considering the fact that disparity in pay scales of MTNL and BSNL, favouring MTNL, was one of the main reasons for non-acceptance of the demand by Government so far, he directed MTNL to discuss with MTNL staff representatives if they were willing to accept lower pay scales, as operative in BSNL.

The matter was also raised by some Member of Parliaments in the Committee on Petitions and the Committee of Petitions at its Oral evidence dated 11.7.2012 had directed CMD, MTNL to explore the possibility of implementing pay scale parity between employees of BSNL and MTNL and to present a road-map for settlement of Pension issue within a period of two months. In this response, MTNL management have furnished the suggestion/ the Roadmap on this issue on 28.09.2012. The main suggestion of MTNL management is that (i) The matter of pay scale parity with BSNL will be decided based on outcome of the next pay /wage revision w.e.f. 01.01.2007 or any other date as decided by Govt. for such revision; (ii) To create a single Trust with Government guarantee under Rule 37-A of CCS(Pension)Rules,1972 for all categories of the absorbees.

Suggestion and roadmap as given by the MTNL for creation of single Pension Trust is under consideration in DOT.

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Prakash
 16/11/12
 (Prakash Singh)
 Under Secretary
 Deptt. of Telecom.
 Govt. of India