

UNITED FORUM OF MTNL UNIONS & ASSOCIATIONS
[D-14, Telegraph Square, Doctor Lane, Gol Market , New Delhi-110001]

Associates

- # Telecom Executive Association of MTNL (M: 9869136363)
 - # MTNL Executive Association (M: 9868133336)
 - # MTNL Staff Union (M: 9868133959)
 - # MTNL Mazdoor Sangh (M: 9868137700)
 - # MTNL SC/ST Employees Welfare Association (M: 9810672392)
 - # Bhartiya Mahanagar Telephone Nigam Karamchari Sangh (M: 9868240035)
 - # MTNL Workers Union (NFTE) (M: 20591084)
 - # Dr.Ambedkar MTNL Sc/ST/OBC Telecom Emp.Welfare Assn.(M: 9868549755)
 - # MTNL Karamchari Sanghathan (M: 9868001515)
 - # MTNL Karamchari Union (M: 9013018199)
 - # MTN Employee Union Gr.C&D (M: 9013356947)
 - # MTNL Employees Welfare Union (M: 9868115485)
 - # MTNL Karamchari Ekta Union (M: 9868838008)
 - # MTNL Karamchari Congress (M: 9868134633)
 - # Retired Telecom Officers' Welfare Association (M: 9968721515)
 - # MTNL(DOT) Ex .Employees Welfare Association (M: 9968075051)
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Ref.No. UFOM/2010-11

Dated : 18.03.2011

To

Shri R.Chandrasekhar
Secretary / D.O.T.
Sanchar Bhawan
20,Ashoka Road
New Delhi 110001

Subject :- MTNL Pension issue, Meeting sought for.

Ref. :- Our previous letters of even number dated 20.12.2010 & 28.01.2011.

Sir,

Kindly refer our letters under reference seeking meeting with you to discuss this issue as well as requesting for your kind intervention to sort out this long pending grievance. (copies of those letters are enclosed herewith)

2. The meeting has not been granted so far. We are still waiting for the same.
3. Through our earlier letters, we tried to apprise of our grievances in this respect. We reiterate the same once again here :

(1) The absorbees of both MTNL and BSNL are from the same Government Department, i.e., D O T Prior to absorption, their service conditions and pensionary benefits were governed by the similar rules. The absorption of Group- 'A' & 'B' officers of DOT were absorbed in MTNL simultaneously with their counterparts in BSNL. Therefore, the absorbees of MTNL should

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have similar pensionary benefits as that of their counterparts in BSNL. **This is denied, thanks to the discriminatory sub-rules (21),(22), and (23) of Rule 37 A of CCS(Pension) Rules, 1972.**

- (2) Even though MTNL was incorporated on 1.4.1986, the absorption took place long thereafter (almost after 13 years). **As a result of that the important pension option i.e., the capitalized value equivalent to 100% commutation of pension was not available for the MTNL absorbees unlike that in the case of the absorption in VSNL and AAI.**

Therefore, MTNL pension matter is not comparable with that of VSNL and AAI.

- (3) The pension and related pensionary benefits entitled for the Group-‘C’ & ‘D’ Employees of Delhi and Mumbai units of DOT absorbed in MTNL w.e.f. 1.11.1998 are governed by DOPT OM No. 4/18/87-P&PW (D) dated 5.7.89 and OM of P&PW(D) dated 31.3.95. The liability of their pension, family pension and related pensionary benefits lies with and only with the Government and the same should be paid from the Consolidated Fund of India (CFI) and no other fund. Keeping this in view, the options were exercised. It is only in June,2006 i.e., after the absorption was effected, the instruction to create the fund was issued for the first time vide DOP&PW OM No. 4/14/2000 P&PW(D) dated 01.06.2000. This provision is not applicable to MTNL pension. Kindly refer the file noting of DOP & PW, the Additional Secretary (P) observed on 11.6.2004 as follows :-

“(2) It may even be feasible to take a view that under OM of 5.7.89, it would be Government’s responsibility to make actual payment to such employees who opt to be governed by pensionary benefits available under Government.”

Therefore, the question of payment of pension from any pension fund does not arise.

- (4) It is in this context, the issuance of DOT’s order No. 40-19/2000 PEN(T) dated 21.11.2000 with inapplicable (in case of MTNL) reference of OM No. 4/14/2000-P&PW(D) dated 01.06.2000 to instruct MTNL to create Pension FUND is without the sanction of the appropriate rules. Likewise, it was inappropriate on the part of DOT to instruct MTNL for making payment under Government rules.....“ from their own resources which shall be adjusted once the pension fund is created by MTNL” and thus compelled MTNL to bear the liabilities of Government for last 11 years.
- (5) The assurances of MOC&IT at least on two occasions, the essence of the outcome of the discussion of MOC&IT with MOF in the presence of Secretary, DOP&T, Secretary, DOE and Additional Secretary, Budget, DEA and assurance given to Rajya Sabhas should be honoured and kept.
- (6) As already stated , MTNL pension issue is not comparable with that of VSNL AAI and , therefore, there is no question of repercussion on them , if MTNL is granted the pension on BSNL’s line. While trying to compare MTNL pension issue with that of VSNL and AAI, the following facts should be kept in view:-

Thus the pension position in VSNL and AAI are understandably comfortable, and, therefore, the bogey of repercussion in case of granting BSNL pension to MTNL does not sustain. Rather MTNL pension situation should be weighed with respect to BSNL pension and discrepancies and discriminations whatever are there, should be removed.

(7) As regards the plea taken that MTNL can not be granted pension similar to that in BSNL because in most of the pay scales offered to BSNL, they are one scale below of that in MTNL, it may be stated as follows :

- (a) The pay scales cannot be a determining factor for deciding the type of pension to be prescribed for the employees who have long Govt. service on their credit. No where in pension rules, there are such references.
- (b) MTNL employees were not told at the time of offering ID pay scales that the ID pay scale offered to them are in lieu of the secured pension.
- (c) Will anybody having the legacy of long Government service accept any pay scale if that results into sacrificing the security of pension as much as in BSNL ?
- (d) Rule 37 A was introduced on 30.9.2000. The ID pay scale were notified long thereafter. Thus the discriminatory provisions of Rule 37A, sub- rule (21),(22) and (23) were incorporated without any regard to pay scales. This is an after thought excuse.
- (e) This sort of plea, i.e., the comparability of pay scales as the determining factor to decide the type of pension, will lead to nowhere. say for example, the pay scales of BSNL absorbees are more than that of their erstwhile colleagues retained in DOT. The amount of pension of retired BSNL absorbees is more than that of their erstwhile colleagues retired from DOT service. But in both the cases, the pension is as secured as that being paid by the Government from the CFI. Thus such plea is desperately framed to justify the wrong denial of legitimate and secured pension for MTNL absorbees.

4. Thus you may kindly see that the denial of BSNL's type of pension for MTNL absorbees is based on the sole motive of depriving MTNL absorbbes of their legitimate and secured pension. That is why, DOE, on one side , is blocking the prospect of the proposed meeting of COS by way of not responding to DOT's references, and on the other side, it is escalating the formation of Trust to preempt the move of holding the meeting of COS, if any, in future.

5. Meanwhile, DOT has issued order vide No.F.No. 40-17/2008-Pen(T)-Vol.III Dated 15.3.2011 for upward revision of pension of pre-2007 pensioners /family pensioners of BSNL leaving their counterparts in MTNL to their fate.

6. The MTNL absorbees can not accept such situation simply like that. We have requested your kind intervention in this respect and we have requested you repeatedly to grant us the meeting so that we can apprise you of our full view points on this important issue. But the meeting has not been granted so far.

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7. We would request you once again to grant us a meeting on this issue, or, in the event of your decision not to grant us the said meeting, you may kindly guide us with whom we can discuss the matter urgently. It is becoming increasingly difficult for us to contain the frustration of MTNL absorbees any more.

8. We shall wait for your early reply please.

Thanking you,

Yours faithfully,

(M.K.Bagchi)

Convenor

M:9868534060

Enclosures :-

Copies of our previous two letters

Copy to :

1)Shri Kuldip Singh
CMD/MTNL

2)Smt. Anita Soni
Director(finance), MTNL