

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)

Ref. No. UFOM/2010-11

Date : 20.12.2012

To

Shri R. Chandrasekhar,
Secretary, Dept. of Telecom,
Sanchar Bhawan
20, Ahoka Road
New Delhi – 110 001

Subject :- Protest against the note dated 16/11/2012 regarding the MTNL Pension issue submitted under the signature of Shri Krishan Singh Dahiya, Under Secretary (STN), DoT during the conciliation meeting held at Mumbai on 22/11/2012 and facts thereof. Sir,

Sir,

It is unfortunate that DoT is out to ruin the pension security of the DOT employees since persuaded to be absorbed in MTNL. As reported during the conciliation meeting in Mumbai on 22/11/2012 by the representative of DoT vide letter No.25-17/2008-SR dated 20.11.2012 the proposal of creation of single trust for payment of pension to MTNL pensioners is presently under consideration.

2. Almost a little more than 3 months before i.e., on 13.7.2012, the Dy.Secretary to the Govt. of India, DoT informed during the conciliation meeting before RLC (C) at Delhi as follows :

“ The Dy. Secretary to the Govt.of India, DoT informed that 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-departmental/ 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 months to be sorted out.”

We believe that the DoT has not certainly misled the conciliation process. How is then, it takes such about turn ?

3. It is also important to note that Committee of Secretaries (COS) which was constituted at one point of time on this issue at the instance of the Cabinet, kept its meeting inconclusive with the remark that it would meet again on getting fresh inputs from the nodal departments/ministries. The said meeting could not be held till date in the absence of the response from the Department of Expenditure. Our request is, DoT should take effective steps to hold the inconclusive meeting of the COS to sort out this issue instead of taking precipitatory action for creation of Pension Trust which MTNL absorbees feel as an insecured provision of pension and for that they resist it.

4. We are opposed to the formation of Trust for payment of pension as neither the formation of Trust nor the payment of Pension from the Trust was indicated in the Terms and Conditions under which DoT employees exercised their option for absorption in MTNL. Both DoPT OM No. 4/18/87-P&PW (D) dated 5.7.1989 and DoPT OM No:4/42/91-P&PW(D) dated 31.3.95 in accordance to which the pension is supposed to be regulated, have no mention about the provision of Trust. The mention of FUND not Trust was made for the first time in June, 2000 vide OM No. 4/14/2000-P&PW(I) dated 1.6.2000 i.e., quite after exercising the option for absorption in MTNL which was just three months before the promulgation of Rule 37-A of CCS(Pension) Rule -1972 on 30.9.2000 and formation of BSNL thereafter on the next day, i.e., 1.10.2000.

5. The plain reading of OM dated 5.7.89 and 31.3.95 gives unmistakable impression that it would be the Government's responsibility to make the payment of pension to the employees who opt to be governed by the pensionary benefits available under the Government scheme of pension.

6. This fact was accepted and acknowledged by Addl Secretary (P) of DoP&PW on 11.6.2004 in file noting regarding inadequacy of security of Pension provided pre-30.9.2000 absorbee in MTNL (Page 49). The file noting reads inter-alia as follows :-

"It is even 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 the Government scheme of pension."

7. The said file noting further underlines the reason and basis of the doubt of MTNL absorbees about the actual intention of the Government behind the move of formation of FUND and not Trust as follows:-

"4. As has been pointed out in the note, the basic reason for the MTNL agitation appears to be the issue of OM dated 1st June, 2000, which for the first time, indicated the requirement of a creation of a pension fund with the ultimate responsibility of payment of pension to the transferred employees. This gives rise to a doubt that the Government is passing on its responsibility (under OM of 1989) to a pension fund."

8. In view of all those stated above, WE ARE STRONGLY OPPOSED TO FORMATION OF TRUST TO DISCHARGE THE PENSIONARY LIABILITY OF ERSTWHILE DoT EMPLOYEES ABSORBED IN MTNL.

9. It must be kept in mind that because of these strong justifications, at least on two occasions, the then Hon'ble Ministers (C&IT) assured in writing that there would be no distinction as regards to payment of pensionary benefits between MTNL and BSNL, and Rajya Sabha was also informed accordingly in the form of the answer to a parliament question. These are all matter of records and no amount of beauracratc jugglery can alter these facts.

10. The assurance of MoC communicated by the Director (Estt) to CMD, MTNL vide letter No. 40-29/2002-Pen (T) dated : 29/08/2002 which states:

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

11. The assurance of MoC during 197th session of Rajya Sabha to Un-Starred Question No. 241 communicated by the Under Secretary (STP) vide No.38-6/2002-Pen (T) dated : 11/08/2003 which reads as follows:

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

12. The most impractical proposition like equalizing the pay scales of MTNL and BSNL by reducing the pay scales on MTNL side at this stage was brought in only to deny the legitimate pension to MTNL absorbees. If the Govt./DoT is honest and sincere about such parity, this could have been done at the time of replacement of Pay Scales from CDA to IDA at the time of absorption in MTNL and subsequent Wage revision of IDA pay scale due to 2nd Pay Committee recommendation w.e.f 1.1.2007. But that was not done. How can MTNL absorbees be denied secured pension and equal treatment vis-à-vis BSNL on this account ?

13. We demand similar arrangement for payment of pension as per Government Scheme of Pensionary provisions as provided for our counterparts in BSNL. Because, we both are basically DoT recruited Government employees with the similar benefits of secured Government pension and family pension while in DoT. It is the Governments' policy and act that has separated and transferred us to two different organizations, e.g., MTNL and BSNL. It is again the wisdom and sense of priority of the Government that MTNL and BSNL were formed carving out of the same DoT on two different dates i.e., 1.4.1986 and 1.10.2000 respectively. Therefore, this can't and should not be the basis for drastically adverse and unsecured pension provision for MTNL employees vis -a -vis BSNL employees. Most irony is that even though it is purely due to the administrative compulsions that the absorption of different categories of DoT employees were absorbed on different dates in MTNL, quite different kind of pension provisions have been prescribed for them on the basis of date of absorption.

14. **We would fervently appeal to you that the assurances/commitments made to DoT employees absorbed in MTNL that no distinction would be made as regards to payment of pensionary benefits between MTNL and BSNL, should be honored in true sense. Therefore your kindness is requested:-**

- a. **To stop the process of creation of pension trust for payment of pension/ family pension to the erstwhile DoT employees absorbed in MTNL as they do not accept the formation of Pension Trust as the Trust is neither secured nor viable and also was not mentioned in the Terms and Conditions for absorption in MTNL.**
- b. **To make all out sincere efforts in convening a meeting of Committee of Secretaries (COS) after getting fresh opinions from the nodal departments/ministries keeping in view the commitment given before RLC Delhi on 13.7.2012 and also the assurances given by the then MOC&IT in and outside the Parliament so as to finalise the arrangement for payment of pension and family pension to the erstwhile DoT employees absorbed in MTNL is made by DoT as being paid to BSNL pensioners/family pensioners.**

Yours faithfully,

(M. K. BAGCHI)

Convenor

- 1) Shri Kapil Sibal, Hon'ble Minister (C & IT) for kind information and n/a please!
- 2) Regional Labour Commissioner Mumbai for Kind information and n/a pl
- 3) Regional Labour Commissioner, New Delhi for Kind information and n/a pl
- 4) CMD, MTNL for Kind information and n/a pl.