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**Bhakta Charan Das**  
Member of Parliament, Lok Sabha, Kalahandi

Date:-06.09.2013  
DO. MP/LS/892/13

*Respected Sir,*

I am forwarding herewith a letter along with its enclosures received from Shri A.K. Kaushik, General Secretary, Telecom Executive's Association of MTNL, Dwarka, New Delhi requesting for your kind assistance for extending CGHS benefits to MTNL absorbees.

The DOT employees who have been absorbed in MTNL have not been given the option of CGHS facilities as such they have been deprived of the CGHS facilities for the company health care scheme as well while the same option was given to the DOT employees who opted for BSNL including retirees. An office memorandum no. C.14012/11/2003-CGHS dated 18.08.2009 of Ministry of Health & Family Welfare, Department of Health & Family Welfare (copy enclosed) relates to Hon'ble Supreme Court's order dated 01.05.1998 for extending the CGHS benefit to the PSU absorbees on restoration of their 1/3rd portion of their pension on expiry of 15 years from the date of retirement. These absorbees were earlier denied the CGHS benefits as they opted for 100% commutation of pension under the plea that they were no more drawing the Government's pension. According to the Hon'ble SC, these absorbees go back their entitlement of CGHS benefits on restoration of 1/3rd of their pension.

Therefore, you are requested to look into this matter and issue necessary instructions to the concern unit of the department to give a similar option to the absorbed employees of the MTNL including the retirees.

With regards,

Yours,

(Bhakta Charan Das)

**Shri Kapil Sibal**  
Hon'ble Minister for Communication & IT,  
Govt. of India,  
Sanchar Bhawan,  
New Delhi.

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# Telecom Executives' Association of MTNL

## CENTRAL HEAD QUARTER

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No. TEAM/CHQ/MTNL/CO/2013-14/48

Dated : 03.09.2013

To

Shri Bhakta Charan Dass Ji,

Member Parliament (Lok Sabha),

5, Mahadev Road, New Delhi-110001

**Subject :- Extension of CGHS benefits to MTNL absorbees.**

Sir,

MTNL absorbees are originally DOT recruits and they were entitled to CGHS benefits while on the DOT roll, i.e., prior to absorption in MTNL. During the process of absorption, while exercising the option for absorption in MTNL, the option opportunity was not given to the MTNL absorbees as to whether they would opt for retaining the CGHS benefits even after absorption. Thus for MTNL absorbees, the MTNL scheme of healthcare provisions was made a fate accompli. Whereas for absorption in BSNL, the BSNL absorbees were given an opportunity to opt between CGHS benefits and BSNL scheme of healthcare benefits. No wonder that many BSNL absorbees and retirees enjoy the CGHS benefits even after absorption.

**Therefore, for the sake of providing equal opportunity and to avoid discrimination, MTNL absorbees should be given an opportunity to opt between CGHS benefits and MTNL healthcare benefits even at this stage.**

As already stated, the MTNL absorbees (both working as well as retirees) are now entitled to MTNL scheme of healthcare benefits which, for hospitalization cases, are in form of a Group health Insurance Scheme with United Insurance Company. This is, to say the least, is inadequate and unsatisfactory. As the insured amount is less, in most of the cases, even 40% of the hospital bill can not be paid by TPA/Insurance Company. Floater part of the scheme is on the verge of collapse. With the dwindling financial condition of MTNL, the concerned hospital refused to hand over the body as full payment could not be paid. Neighbours came to rescue.

**The basic question in this regard is, why MTNL absorbees who are entitled to Govt. scheme of pension (without the provision of 100% commutation), should not be entitled to CGHS benefits ?**

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We would like to draw your kind attention to the OM No. C.14012/11/2003-CGHS-Desk I dated 18.08.2009 of Ministry of Health & family Welfare, Department of Health & Family Welfare ( Copy enclosed ). The OM relates to Hon'ble Supreme Court's order dated 01.05.1998 for extending the CGHS benefit to the PSU absorbees on restoration of their 1/3 portion of the pension on expiry of 15 years from the date of retirement. These PSU absorbees were earlier denied the CGHS benefit as they opted for 100% commutation of pension under the plea that they were no more drawing the govt. pension. According to Hon'ble Supreme Court, these PSU absorbees got back their entitlement of CGHS benefits on restoration of 1/3 portion of their pension.

MTNL absorbees are not entitled to 100% commutation as this benefit was withdrawn prior to MTNL absorption. Therefore, there is no reason why they should not be entitled to CGHS benefit.

We, humbly request your goodself to kindly take up this issue with Hon'ble Minister of Health and Family Welfare and Minister of Communication & IT so that CGHS facility can be extended to erstwhile DOT employees (Govt. Employees) absorbed in MTNL.

With regards,

Yours faithfully,



(A.K.KAUSHIK)

General Secretary



(8)

C.14012/11/2003-CGHS-Desk I  
Ministry of Health & Family Welfare  
Department of Health & Family Welfare  
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Nirman Bhawan, New Delhi  
Dated the 18th August, 2009

OFFICE MEMORANDUM

**SUBJECT: Extension of CGHS benefits to PSU absorbtees.**

The Government of India, as per its policy, created many CPSUs to cater to the needs of various sectors of the economy and industry. Officials working in different Ministries were permitted to proceed to CPSUs on deputation basis initially and according to their option either got absorbed in the CPSU or returned back to the Ministry / Department from where they proceeded on deputation. In respect of Government servants who opted to get absorbed in CPSUs, were allowed to commute 100% of their pension, as per the provisions contained in the then Rule 37-A of CCS (Pension) Rules, 1972.

2. After receipt of the lump sum commuted amount, the pensioner stood to lose 1/3<sup>rd</sup> portion of his pension for his entire life. Aggrieved by the lapsing of 1/3<sup>rd</sup> portion of the pension for life, Common Cause, a Society in the field of social service, filed a Petition in the Hon'ble Supreme Court of India, which vide its judgement dated 9<sup>th</sup> December, 1986, in Writ Petition Nos. 3958-61 of 1983 ordered that Central Government Pensioners governed by CCS (Commutation of Pension) Rules, 1981, and other corresponding commutation rules and who had commuted the admissible portion of the pension were entitled to have the commuted portion restored on the expiry of 15 years from the date of retirement. By way of implementing the judgement of the Hon'ble Supreme Court, Department of Pensions and Pensioners' Welfare issued an Office Memorandum No. 34/2/86-P&PW on 23<sup>rd</sup> June, 1987. Para 4 of the Office Memorandum mentioned that the restoration of the commuted amount will not be applicable to those CPSU absorbtees who had commuted 100% of their pension as they were not 'pensioners' because they were not receiving any pension from the Government.

3. Aggrieved, again, by the denial of the restoration of pension by the Department of Pensions and Pensioners' Welfare, a group of PSU absorbtees approached the Hon'ble Supreme Court for restoration of full pension, medical facility, etc. After going through the rule position, the Hon'ble Supreme Court held that PSU absorbtees who had commuted 100% of the pension stood on a different pedestal when it came to the balance portion of pension left after the commutation of 1/3<sup>rd</sup> portion of the pension in as much as they have surrendered their right to draw 2/3<sup>rd</sup> portion of the pension in lieu of receipt of a lump sum amount. Based on the order of Hon'ble Supreme Court, the Department of Pensions and Pensioners' Welfare issued orders for restoration of 1/3<sup>rd</sup> portion of commuted pension of PSU absorbtees. The Hon'ble Supreme Court vide its order dated the 1<sup>st</sup> May, 1998, ordered that PSU absorbtees along with the restoration of 1/3<sup>rd</sup> portion of the pension were entitled to other attendant benefits.

4. In the case of PSU absorbtees, who had commuted 100% of their pension, they do not draw any pension for fifteen years and start getting 1/3<sup>rd</sup> portion of their pension with

  
18/8/2009

