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No. AIBSNLEA/CHQ/CMD/2019

Dated: 14.11.2019

To,

1. **Shri Anshu Prakash,**
Secretary (T), Govt. of India,
New Delhi -110001.

2. **Shri P. K. Purwar,**
CMD, BSNL
New Delhi-110001

Sub: Voluntary Retirement Scheme– 2019: Urgent Clarification required on the following points reg:-

Ref : i) DOT OM No: 30-4/2019-PSU Affairs Dated 29-10-2019.
ii) BSNL CO,ND Lr. No: 1-15/2019-PAT (BSNL) Dated 04-11-2019.
iii) BSNL CO,ND Lr. No: 1-15/2019-PAT (BSNL)Part Dated 07-11-2019.

Respected Sir,

We would like to draw your kind attention towards the letters under reference on the above cited subject. While going through the referred letters (i) to (iii) above, we observed that several items are missing which needs to be clarified before opting the scheme of VR by our members. The employees, those who have already opted for VRS-2019 are also under confusion and waiting for these clarifications before they are finally submitting their option. Hence, following points need urgent clarification with respect to VRS-2019 for BSNL Employees:-

1. Under the Terms and Conditions vide Para No: 6.2(a) of the above cited reference No.(ii):

The employees retiring under the Scheme shall be entitled for Pension/Family Pension, as applicable w.e.f. the date following the effective date of VR and that shall be authorized as per existing procedure.

Here the 'Existing Procedure' is not defined in 'Para 3, whereas the 'Existing Rules' is defined under para 3 (h) as "BSNL Rules in force as on the date of notification of the scheme or GOI Rules as applicable to BSNL Employees". Here also 'Absorbed Employee' is missing. The other missing point is 'entitled to Pension/ Family Pension, as applicable under rule 37 A' (i.e., as per provisions of 37 A).

Further, under the General Conditions vide **Para No.8 (Viii) & (ix) of the above cited reference No (ii)**, and as per FAQ, Sl.no.3 **of the above cited reference No.(iii)**, it is clarified that no claim arising after 31.01.2020 shall be paid except as provided in this Scheme. That means all the benefits under VRS-2019 is as a onetime measure and the employees shall have no right to claim any future benefits?

These two points are contradictory in nature that needs clarification that:

“Whether VRS Optees, who are the Absorbed employees from DoT to BSNL, will get their Pension revised and other benefits as per the Sub rule (8) Rule 37-A?”

2. If 3rd PRC is implemented on a later date, after the VRS, from a retrospective date, please clarify in the case of VRS optees:

- i) Whether Pension Revision with respect to revised Pay will take place?
- ii) Whether Pay Revision benefits will be extended to the VRS optees also along with arrears, as admissible under clause 3 of DPE O.M. No. 2(32)/97-DPE(WC)GL-XXXV dated 8th December, 2000?
- iii) Whether Revision of the amount of Ex-gratia and Leave Encashment will be applicable to the VRS optees on the revision of Pay and the arrears will be paid?
- iv) Whether Gratuity amount and Commuted Value of Pension will be paid on the Revised Pay?
- v) In the event of Pension Revision after the VRS, whether the Pension of VRS optees also will be revised.
- vi) In the event of 3rd PRC implementation after the VRS but before attaining the age of Superannuation or 1st February, 2025 whether the pension of VRS optees will also be revised and Pension, Gratuity payment and Commuted Value of Pension will be paid based on the revised Pay/ Pension?

3 Payment of Ex-gratia to Pro-Rata Pensioners:

Cabinet has approved the VRS Scheme to the employees of BSNL & MTNL equally for the employees aged 50 years and above and accordingly, MTNL vide para No. 6.1(d) of their letter No: MTNL/CO/GM(HR)/VRS/NE/2016-17 dated 04.11.2019 notified that "employees who opted for Govt. Pension for the period of service rendered in DOT prior to absorption in MTNL and are already getting pro-rata pension from GOI, the ex-gratia amount to the eligible employees shall be calculated based on combined qualifying service rendered in Central Govt. and in MTNL taking into account their pro-rata pension. The Ex gratia for eligible absorbed Pro-rata Pensioners shall be calculated by taking their pension notionally as applicable for combined service pensioners having same years of service completed and remaining, taking into account the entire service in GOI and MTNL".

But no such instructions/guidelines have been issued in respect of Pro-Rata Pensioners of DOT/GOI serving in BSNL.

4. Payment of Commuted Value of Pension:-

Commutation of Pension is to be paid at the time of retirement as per the provisions of CCS (Commutation of Pension Rules 1981). But as per the DOT OM cited **under reference(i) and vide Para 6(c) of BSNL CO New Delhi letter cited under reference(ii)**, it is mentioned that it will be allowed from the date of attaining the age of 60 Years or 01Feb 2025 whichever is earlier.

Whether any amendment / relaxation to CCS Commutation of Pension Rules 1981 for the deferred payment of Commuted Value of Pension has taken place or notified by the Govt. of India or Department of Personnel and Pension Welfare since it is the **Statutory provision of CCS (Commutation of Pension) Rules 1981**.

It is also mentioned that for Commutation of Pension, the retired employee will be required to make an application to the Pension Sanctioning Authority as per the Rules prevailing at that time. **Whether any Certificate or Presidential Sanction to this effect with actual amount payable to the VRS Optees towards the Commuted Value of Pension will be issued to the VRS Optees? Or whether it will be mentioned in Pension Payment Order (PPO)?**

5. Payment of Retirement Gratuity:

Retirement Gratuity is to be paid at the time of retirement as per Rule No.50 of CCS Pension Rules 1972. But as per the DOT OM cited under reference(i) and vide Para 6(b) of BSNL CO/ND letter cited under reference(ii) above, it is mentioned that the deferred Gratuity will be paid from the date of attaining the age of 60 Years or from 01Feb 2025 whichever is earlier.

Whether any amendment / relaxation to CCS Pension Rules 1972 for the deferred payment of Retirement Gratuity has taken place or notified by the Govt. of India or Department of Personnel and Pension Welfare (DOP&W) since it is the **statutory provision of CCS Pension Rules 1972**.

Retirement Gratuity will be paid on a later date. Whether any communication to that extent will be made to the employees, say mention in the PPO? or any Certificate or Presidential Sanction to this effect with actual amount payable to the VRS Optees towards the Retirement Gratuity will be issued to the VRS Optees?

6 Exemption from Income Tax of Ex-gratia amount:

Whether BSNL / DOT have taken up with MOF about the Income Tax exemption for entire Ex-gratia amount for the VRS Optees of BSNL? If not taken up so far, the same may be taken up now on priority in the interest of VRS optees. In this regard, AIBSNLEA addressed a letter (copy enclosed) to the Hon'ble Finance Minister with a copy to Secretary (T) and CMD BSNL vide letter dated 05.11.2019.

7 Reduction in the Superannuation age of BSNL employees:

Kindly clarify about the proposal of reduction in the age of Superannuation of the BSNL employees from 60 to 58 years after completion of VRS process.

8 Payment of GPF and Leave Encashment on VRS:

Kindly clarify whether the GPF and Leave encashment amount will be paid to the VRS optees immediately after the retirement under VRS or not?

9 Time bound up-gradation under EPP to VRS optees:

Whether the Time bound promotion benefit will be extended to the VRS Optees who have already completed 5 years of service as on 31.01.2020 and Time bound promotion is due in February 2020?

Sir, in view of the foregoing, we need to get some assurance in plain terms from the Concerned Authority/ DOT beyond ambiguity about the applicability of all the relevant Rules of 37.A to the BSNL Absorbed employees should be applicable for the VRS optees also and there should not be any differential footing amongst the BSNL IDA Pensioners when the Pension Revision comes if at all any day in future.

Yours sincerely
-sd-
(S. Sivakumar)
General Secretary

Copy for kind information and necessary action to:

1. Shri. Arvind Vadnerkar, Director (HR), BSNL Board New Delhi- 110001.
2. Shri P.K. Sinha, Member (Finance) DCC, DoT, New Delhi- 110001
3. Shri Saurabh Tyagi, Sr.GM (Estt) BSNL CO, New Delhi- 110001
4. Shri A.M. Gupta GM (SR), BSNL CO, New Delhi- 110001.