

Landmark judgement on pension revision.

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The Hon'ble Principal Bench of the CAT, New Delhi, ordered on 20-09-2023 that, the BSNL and MTNL pensioners should be given pension revision as per the recommendations of the Central Pay Commission. Thus, the injustice done to the BSNL pensioners has been undone by the court of law. The last pension revision to the BSNL pensioners was given w.e.f. 01-01-2007, based on the recommendations of the 2nd PRC. Hence, pension revision became due once again w.e.f. 01-01-2017. However, the DoT and the Government took an unreasonable stand that, BSNL pensioners would get pension revision, only when the serving employees get their wage revision. Thus, pension revision was tied up with wage revision.

Struggles of the AUAB on pension revision.

The All Unions and Associations of BSNL (AUAB) which organised many strikes and other struggles demanding Wage Revision, prominently raised the issue of Pension Revision also.

The AUAB consciously raised the demand of pension revision, keeping in mind that, pension is the only social security for the employees, after their retirement.

The AUAB organised strikes, marches to the Sanchar Bhawan, hunger strikes, dharnas, work according to Rule, sathyagraha and many other agitational programmes. Pension revision is one of the main demands in all these struggles. These include a one day strike organised on 27-07-2017, a two day strike organised on 12-12-2017 and 13-12-2017, an indefinite strike called on from 03-12-2018 (deferred after talks with the Minister) and the 3 day strike organised on 18-02-2019, 19-02-2019 and 20-02-2019. Thus, it is an undeniable fact that, the AUAB organised the highest form of struggles, to settle pension revision. However, the DoT and the Government were very adamant in not settling the pension revision.

It is very important to put on record that, talks were held between the AUAB and the then Hon'ble Minister of State for Communications, Shri Manoj Sinha, on 03-12-2018. The then Secretary Telecom, Ms. Aruna Sundararajan and the then CMD BSNL, Shri Anupam Shrivastava, were also present in that meeting. Shri Manoj Sinha openly declared in that meeting that, ***the Government had taken decision to delink pension revision from Pay Revision.*** Undoubtedly, this declaration was made by Shri Manoj Sinha only in the backdrop of the country wide powerful campaign unleashed by the AUAB to go on indefinite strike from 03-12-2018. However, the bureaucrats of the DoT, played a negative role and scuttled the assurance given by the then Hon'ble Minister of State for Communications.

Under these circumstances, the Central Executive Committee meeting of BSNLEU, held at Ghaziabad on 12 -13 October, 2019, seriously discussed this issue and came to the conclusion that, the pension revision issue could be settled only through the court of law. The CEC members overwhelmingly supported this decision. In fact, in that meeting itself, senior leader Com.J.Sampath Rao, AGS, announced a donation of Rs.50,000/- for filing the court case. However, somehow, the court case could not be filed as per the decision of the Ghaziabad CEC meeting.

In the meanwhile, some Pensioners' Associations and individual pensioners approached the court, demanding pension revision for the DoT / DTO / DTS employees absorbed in BSNL and MTNL. Their petitions were heard by the Hon'ble Principal Bench of the CAT. The judgement was reserved on 24-08-2023 and was pronounced on 20-09-2023. ***It is a matter of great significance that, the court has held that the employees absorbed in BSNL and MTNL should continue to be treated as Government servants for all intents and purposes.*** Further, the court has ordered that, the benefits of revision of pension and family pension as notified by the Central Government on the recommendations of the Pay Commission, should stand extended to the absorbed BSNL and MTNL employees, at par with the pension revision given to the Central Government pensioners. The court has given 10 weeks time to the government for implementing this order.

The Government may go on appeal in the higher courts, against this judgement. Hence, implementation of this judgement may be delayed for some more time. However, in our considered opinion, this judgement is likely to be upheld by the higher courts also. BSNLEU heartily appreciates all the Pensioners' Associations which have fought the legal battle to bring this landmark judgement. At the same time, there is a serious grievance among the pensioners who retired after 01-01-2017 that, this judgement will not give relief to them. This aspect has to be taken care of and appropriate solution should be found. It is imminent that, for implementing pension revision to the post 2017 retirees, they have to be placed in the revised pay scales. Such revised pay scales cannot come unless Wage Revision for the Non-Executives is implemented. The unions and associations of the serving employees in BSNL have to take this factor into consideration and evolve their strategy.
