

FORUM OF MTNL UNIONS AND ASSOCIATIONS

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MS-54/Forum/2020/13

Dated: 26.05.2020

To,

Shri. P. K. Purwar,
Chairman & Managing Director
Mahanagar Telephone Nigam Ltd.
5th Floor., Mahanagar Doorsanchar Sadan,
9 CGO Complex, Lodhi Road,
New Delhi -110003.

Subject: Request for meeting for immediate settlement of various payments to VRS-2019 pensioners and other inordinate delayed issue.

Respected Sir,

We would like to draw your kind attention towards following points for your kind information and immediate necessary positive action please.

1) Payment of of Ex-gratia:-

As per **Clause 6.1 (f)** of the “Office Order” No. MTNL / CO / GM (HR) / VRS / NE / 2016-17 Dated 04th November, 2019, it was promised by the MTNL Management that, “**An employee retiring voluntarily under the scheme shall be paid the amount of Ex-gratia in two equal installments of 50% each. The first installment shall be paid in FY 2019-20 and the second installment in first quarter of FY 2020-21**”.

We are sorry to state that, DoT & MTNL Management could not fulfill its written promise, and instead of 50% only 30% amount paid to VRS-2019 retirees.

In this connection, **you are requested, kindly arrange to pay balance 70% amount of Ex-gratia immediately at an earliest please and fulfill the promise.**

2) Payment of Leave Encashment , GPF & other terminal benefits:

As per letter No.MTNL/CO/BKG/Funds/2020-2021/KW Dated 21/03/2020 issued by the Director (Finance) MTNL, the funds required for meeting the liabilities substantially for all VRS and other retired employees have been provided and instructions issued that all the payments related to Leave Encashment, GPF, CPF, Gratuity and other retirement /pensionary benefits as per eligibility be disbursed by 31st March, 2020.

We are sorry to state that very less funds was provided by the MTNL Corporate Office for each head, and therefore, all VRS-2019 retirees and also other normal retirees have not received their terminal benefits. Kindly arrange sufficient funds and make all due payments of retirees.

(a) **Payment of GPF:**

There was abnormal delay in payment of final GPF payment to the normal superannuation pensioners. MTNL Corporate Office has approved for payment of interest for the period of delay, but it is not yet implemented. Further, backlog of these normal superannuation pensioners not yet cleared. **Very few pensioners have received their Final GPF Payment.**

We would like to request, kindly arrange to provide details of GPF Payment of each retirees on MTNL Pensioner/HR Portal i.e. who have received their GPF with received amount including delay interest if paid and who have not yet received their GPF with reason for non-payment of GPF.

In this connection, our humble request is kindly arrange to make payment of GPF at an earliest date to all VRS-2019 as well as all normal superannuation retirees with interest for delay period as per provision of rules.

(b) **Payment of Leave Encashment:**

Due to provision of fewer funds from the MTNL Corporate Office, all VRS-2019 retirees have received **only 72% amount of their eligible leave encashment.**

In this connection, our humble request is kindly to arrange to make payment of balance 28% amount of eligible leave encashment at an earliest please.

3) **Settlement of Gratuity, EPF & Pension of Pro-rata Pension optee & Direct recruited employees:-**

To avoid present delay practice/procedure of MTNL EPF Trust office, we suggest that on behalf of MTNL EPF Trust, kindly arrange to depute/appoint competent authority to verify and issue sanction in all cases of VRS-2019 Prorata/Direct optees at local unit, **and ensure to start their “Monthly EPF Pension at an earliest date” with co-ordination to concerned Regional EPF Commissioner please.**

(a) **Gratuity Payment to all VRS-2019 Prorata/Direct optees:**

Kindly refer Clause 6.2(b)(ii) & 6.2(b)(iii) of the “Office Order” No.MTNL/CO/GM(HR)/VRS/NE/2016-17 Dated 4th November, 2019, wherein it is clearly mentioned that, “The gratuity shall be paid to these employee(s) by MTNL after voluntary retirement under this scheme without any deferment and within the existing prescribed time limit as per existing rules and procedures applicable to them”. According to existing prescribed time limit and as per existing rules it should be paid immediately within month after retirement. But now more than 3 months period is over and 4th month will also be over after 7 days but “Gratuity Amount” not yet paid to these employees or target date not yet fixed for payment. **It is hereby requested; kindly arrange to pay “Gratuity Amount” at an earliest without further delay.**

(b) **EPF Payment to all VRS-2019 Prorata/Direct optees:**

Fix earliest target date for disbursement of EPF amount and Gratuity amount to all VRS-2019 Prorata/Direct optees, so they can manage their fund properly to receive monthly income.

If there is possibility to delay in scrutiny of EPF Pension Papers, then please arrange to collect data from WFMS system and arrange to make EPF payment. **Therefore, it is hereby requested; to kindly arrange to pay “EPF Payment” as per information available in WFMS data at an earliest and without further delay.**

(c) **Speedy scrutiny of Application for Monthly Pension Form 10 D(EPS):**

You all are well aware that there is no system to pay “Provisional Pension” by EPFO to these groups of employees. In this group there are two types of groups which are shown below.

1st Group – Prorata optee – Employees pertaining to this group are receiving their monthly pro-rata pension from CCA, but value of the said pension is too less compare to pension value which receiving by the Combine Service Pension Optee.

2nd Group – Direct optee – There is no source of income till grant of EPFO pension to Employee pertaining to this group.

It is sorry to state that at present office of MTNL EPF Trust taking more than one year period for scrutiny of **Application for Monthly Pension Form 10 D (EPS).** *At present, normal EPF retirees starting to receive their monthly EPF Pension at least after one and half year period from their normal retirement date.*

Therefore, to avoid above delay, our humble request is, kindly look into this point personally, **and please make such arrangement to scrutinize all received “Applications for Monthly Pension Form 10 D(EPS) of all VRS-2019 Prorata/Direct optees” speedily and time bound and short period, so all these VRS-2019 Prorata/Direct optees can start to receive their monthly pension at earliest please.**

4) **Payment of Provisional Pension, Ex-gratia, Leave Encashment, GPF/CPF to retirees whose strike off orders issued provisionally due to pendency of disciplinary or court cases-reg.:**

(a) **Payment of Provisional Pension/Leave Encashment/GPF or CPF:**

Kindly refer Clause 7(ii) of the “Office Order” No.MTNL/CO/GM (HR) / VRS/NE/2016-17 Dtd.4th November 2019, which is clearly states that: “The VRS option of employee(s) facing Departmental / Judicial proceeding shall be accepted. Leave encashment, Transfer grant, GPF/CPF and pension as applicable will be released provisionally as per Rule 69 of CCS Pension Rule 1972.

According to above clause, payment of “Provisional Pension / Leave Encashment / GPF or CPF” may please be released immediately to all these affected employees.

(b) **Grant of Vigilance Clearance & issue of regular strike off order:**

There is possibility due to non-receipt of vigilance clearance by the Vigilance Unit, above strike off orders were issued provisionally. In this connection we would like to draw your kind attention towards the “OFFICE MEMORANDUM” No.11012/11/2007-Estt.(A) Dated 14th December, 2007 issued by the Government of India, Ministry of personnel & Public Grievances & Pension(Department of Personnel & Training), in this various circumstances under which vigilance clearance shall not be withheld are given, please go through this order, and examine case by case, and arrange to issue vigilance clearance in eligible cases so final regular strike off order can be issued in some of cases and their Ex-gratia and Gratuity payment may please be released.

(c) **Settlement of departmental disciplinary cases:**

Due to pendency of departmental disciplinary proceeding vigilance clearance not given in some of the cases. In these type cases please examine case by case, and arrange to conclude all these pending cases in short and time bound period please.

5) **Extension of Time limit for retention of the Departmental Quarters:**

Jurisdiction of MTNL Delhi/ Mumbai is affected by Covid-19 pandemic these cities are in red zone and some areas are in containment zone. Due to this reason, it is not possible for the VRS and Normal Pensioners to find out alternate accommodation or to shift their residence. Therefore, our humble request is to issue necessary order to extend the permissible period of retention of Departmental Quarters till superannuation date of the employees and to reintroduce the justified “Renting out Department Quarters Scheme” for retention thereafter or sell out Departmental Quarters to our interested pensioners/employees.

6) **To Grant Special Casual Leave for period of absence during Lockdown:**

Sir, you are well aware that, India has been under lockdown since 25th March, 2020 to 14th April, 2020 in 1st phase, further additional extension upto 3rd May 2020 in 2nd phase, 2nd additional extension upto 17th May, 2020 in 3rd phase, **now which is further extended upto 31st May, 2020 in 4th phase.** Due to COVID pandemic which has high prevalence in Delhi & Mumbai, general movements of people is stopped. Government of India and local Government have been enforcing several measures for containment of the disease including suspension/stopping of all public transport and police picketing to enforce the orders. Within this one and half month period, MTNL Corporate Office failed to issue specific guidelines for regularization of absent duty period of those employees who have not attended their office during lockdown period.

In this connection, we would like to draw your kind attention towards **Government rules** under **CHAPETER –XI** issued by the **Department of Personnel & Training, Government of India**, provides guideline for “**Grant of Special Casual Leaves** for regularising period of absence due to failure of transport or disturbances etc.” & extract of DP&T OM No.27/6/1971-Estt.B, dated 01/11/1971 given in “Swamy’s Leave Rules” (Copies enclosed herewith for ready reference).

Therefore, it is requested to issue necessary instructions to the concerned authorities of MTNL for regularization of period of absence during lockdown due to COVID-19 by grant of “**Special Casual Leaves**” to the employees.

7) **Sanctioning of a lump sum amount to MTNL employees:**

The Government of India has implemented a nationwide lock-down from 25/03/2020. Since telecommunications is an essential service, the field staffs of MTNL, including TM, TTA/Sr. TOA/TOA and AM/DM/SM/DGM etc. are already engaged in the operation and maintenance of MTNL’s networks. They are also engaged in the provisioning of new FTTH and other connections on emergency basis, which enables the government to effectively fight against the COVID-19. We can quote many such instances, wherein the MTNL employees have provided commendable service in this regard. We can quote many such instances wherein the MTNL employees are selflessly serving the nation to fight the Corona Virus Disease. The MTNL employees, while attending their duties, need to safeguard themselves against the infection of Corona Virus. On daily basis, to avoid the contacting of Corona Virus infection, they have to use masks, gloves, sanitizers, liquid soap etc., for which the employees are spending money from their pockets to purchase all these things.

It is pertinent to bring to your notice that, various Public Sector Enterprises have already announced the granting of lump sum amount to their employees, to enable them to meet the expenditure for purchasing the above mentioned items. For example, the State Bank of India has already granted one day’s salary (Basic + DA) to its employees, for this purpose. The Union Bank of India, as well as the LIC of India, have also granted Rs.1000/- to their employees to cover these expenditures.

In view of the foregoing, we request that, the MTNL Management should come forward to immediately sanction **Rs.2000/-(Two Thousand) to the employees.**

8) **Benefit of NEPP/EPP should be implemented in respect of those officials who were due for financial up-gradation prior to 31/01/2020:**

Please refer Sl.No.9 of MTNL VRS 2019 - Frequently asked questions Dated 26/11/2019, according to this it is agreed that benefit of NEPP/EPP in respect of those officials who were due for financial up-gradation prior to 31/01/2020 will be granted. But there are several cases yet pending for which orders are not issued, due to these employees losing their benefit of Pension and Ex-gratia. Therefore, it is requested to issue financial up-gradation orders immediately of those Non-Executives and Executives who were due for financial up-gradation prior to 31/01/2020.

9) **Implementation of single condition in up gradation from NE-9 to NE-10 and NE-10 to NE-11:**

- a) **In JNC Meeting held on 24/01/2020**, Unions pointed out that, the clarification of corporate office Dated 21/06/2006 and the bench mark conditions for promotion from NE-9 to NE-10 and 11 under NEPP have been certified by principal bench of CAT and up held by Hon'ble High Court, no amendment/clarification can be made without mutual understanding between management and majority union.

Also union side diverted attention towards latest clarification issued by the MTNL Corporate office vide letters Nos. MTNL/CO/Pers-II/21(82)/NEPP/2009/Vol-II/149 Dated 12/07/2017 & MTNL/CO/R&E/DU-MU Cases/2017-10-10/185 Dated 12/10/2017, these 2 orders should be withdrawn immediately and implement the directives issued by the CO vide letter No. letter No.MTNL/CO/Pers-II/Policy Reg./2005-06/695 dated 10-03-2006 and MTNL/CO/Pers-II/Policy Reg/2005-06 Dated June 21, 2006, as per Hon'ble Court Directives.

It was assured by the Management side to re-examine this issue with consultation of MTNL Board to resolve positively, but issue not yet resolved.

- Therefore it is requested to withdraw MTNL Corporate office orders immediately** which issued vide letters Nos. MTNL/CO/Pers-II/21(82)/NEPP/2009/Vol-II/149 Dated 12/07/2017 & MTNL/CO/R&E/DU-MU Cases/2017-10-10/185 Dated 12/10/2017 **and implement the directives issued by the CO vide letter No. MTNL/CO/Pers-II/Policy Reg./2005-06/695 dated 10-03-2006 and MTNL/CO/Pers-II/Policy Reg/2005-06 Dated June 21, 2006.**
- b)

Counting of notional Promotion period in the cadre of Sr.TOA.

It is stated that some officials were qualified Sr.TOA exam and selected for the post of Sr.TOA in the year 1996-97.They could not be imparted prescribed training of Sr.TOA due to Administrative reason i.e. not availability of infrastructures etc. They were trained in the year 2000 after a gap of two years and notionally fixed on 01-01-94 and 01-11-1998. It is quite clear that there is no fault on the part of the employees. Further it is pointed out that it is implemented in Executive cadres.

Therefore, it is requested to notional promotion period date i.e. 01-01-94 and 01/11/1998 in the cadre of Sr.TOA may be counting in next financial up gradation as per NEPP Para 3(b).

10) **To declare result of LDCE for the post of Telecom Mechanic through written trade test held on 27th May 2018:**

- (a) **“Limited Departmental Competitive Examination for the post of Telecom Mechanic through written trade test is held on 27th May 2018 in Mahanagar Telephone Nigam Ltd., Mumbai and Delhi.** After completion of examination process, now two years **period is over**, but till date result of the said examination is not declared.

It is understood that, **few employees of MTNL Delhi** has approached to Delhi Court and challenged for **“NOTIFICATION”** of the above said examination and therefore administration of MTNL is not ready to declare the result of examination. NOW, vide **“ORDER SHEET”** Dated 29/01/2020 of **Hon'ble Principal Bench of Central Administrative Tribunal, New Delhi**, for OA/2105/2018 &

M.A./4084/2019, **the stay on TM result is vacated** and **Hon'ble Central Administrative Tribunal, New Delhi**, given liberty to MTNL to declare the results in respect of Mumbai and Delhi Region.

Hence, In view of the above decision, you are requested to look into this matter personally and please arrange to **declare result of above Examination held in MTNL Mumbai and Delhi**. So service of qualified candidates from such employees who have not submitted application under VRS-2019 and below 50 years employees can be used for maintenance day to day landline faults, Broad Band and FTTH network.

(b) **Implementation of M.K.Saxena Committee Report for Hindi Translators.**

It is intimated that no Promotion Policy is available in the cadre of Hindi Translators. Only a few officials working in the cadre of Hindi Translator.

Therefore, you are requested to implement the M. K.Saxena report in this case to resolve the long pending issue.

11) **Counting of casual service for pensionary benefits:**

In JNC Meeting held on 24/01/2020, Unions side pointed out that, according to orders issued by the DoT, Regularization of Casual labourer/RTP after completion of seven years' service in 1988 and after completion of 10 years' service from 1992 onward, casual service rendered by the Casual Labourers indirectly accepted for benefits of regularization but proper entries of their service period is not made in their Service Book record, hence CCA unable to sanction pensionary benefits to them.

Further, pointed out that, due to non-counting of casual service, employees those who have opted for EPF Pension/Pro-rata Pension deprived from Pro-rata Pension as well as gratuity according to Gratuity act.

It was agreed by the Management side to examine this issue with Mumbai & Delhi units to find out whether Gratuity was paid or not to eligible official, but the necessary directives not yet issued to re-examine this issue.

Hence, In view of the above, you are requested to look into this matter personally and arrange to issue necessary order immediately in this subject please.

12) **Immediate release of regular promotion in all Executive cadre:**

After VRS, MTNL Staff reduced drastically and large shortfall especially of officers is created in all disciplines. Since most of the posts were filled up on LA basis and DPC has not been held since long time, almost all posts in SM/DGM level cadres have fallen vacant after VRS. As of now almost all post at SM/DGM level are being looked after by DMs. Off course all of them have sufficient experience and eligible for promotion to DGM, but all are overloaded with multiple charges. Under present crisis situation, MTNL require highly motivated and confident officers to take fast and quick decisions to manage work efficiently. Revival of company can only be promised by motivated executives, for which first step is immediate release of regular promotion to fill up all vacant posts in all Executives cadres of Telecom/ Finance/ Civil/Electrical/ HR/Mktg with proceeding of DPC. We also demand that PSU promotion policy assured at the time of absorption be implemented at the earliest which is the best solution to motivate executives without any financial implication.

13) **Creation of Pension Fund for MTNL Recruited Employees:**

We would like to draw your kind attention on the long pending issue of creation of corpus for pension for MTNL recruited officers/employees as per 30% superannuation benefits recommended by 2nd PRC w.e.f 01-01-2007 vide DPE OM-No-2(70)/08-DPE(WC)-GL-XVI/08 dated 26th nov,2008- for social

security of these employees. You are requested to look into this subject personally and issue necessary orders immediately please. It has already been implemented in BSNL and agreed by yourself for MTNL in your previous term.

- 14) **Term insurance** ---the agreed issue of term insurance is pending for quite long time. It has created discontentment amongst officers/employees. In view of risk of covid 19, kindly get it expedited and settled at the earliest by extending the insurance cover of 50 lakh.
- 15) **Training increment**—As per DoPT guidelines, training period is to be counted for drawing increment and it has already been implemented in MTNL for DOT recruited employees and in BSNL for both DOT as well as BSNL recruited employees, but it is not here in MTNL for MTNL recruited employees. This case was processed long back but till date no decision has been taken. Kindly review it and get it implemented in MTNL also.
- 16) **Full reimbursement of amount for issuing a new CGHS card as per BSNL pattern.**

The BSNL reimburses 100% payment to the retired employees for issuing a new CGHS card but MTNL reimburses the 50% of amount or Rs 40,000/- whichever is less

Therefore, we demand full reimbursement to MTNL employee as per BSNL pattern.

- 17) **To ensure disbursement of salary payment of MTNL Employees on schedule date regularly:**

One of the justifications made by the MTNL Management for the implementation of VRS is that, the expenditure on account of payment of salary would be drastically cut down and thereby would result in the financial revival of the company.


We request that the MTNL Management should get rid of this mindset and ensure disbursement of salary every month on schedule date i.e. 30th or 31st regularly to the employees.

For settlement of above points several communications were submitted to MTNL Corporate office, but positive response not yet received. Therefore it is requested kindly arrange to conduct round table meeting at an earliest date for elaborate discussion on above point please.

With warm Regards.

Yours sincerely,


V.K. TOMAR
(Chairman & Genl. Secy. (MEA))


DHARM RAJ SINGH
(Convener & Genl. Secy. (MTNL-MS))

Copy to:

1. PS to Hon'ble MOC for kind information.
2. The Secretary (Telecom), DOT, Sanchar Bhavan, New Delhi.
3. The Director (HR), MTNL CO, New Delhi.
4. The Director (Tech), MTNL CO, New Delhi.
5. The Director (Finance), MTNL CO, New Delhi.
6. The Executive Director, MTNL Delhi/Mumbai.
7. General Secretary (BMS) 27, DDU Marg, New Delhi.