

**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)
 - # MTNL Workers Union (NFTE) (M: 20591084)
 - # Dr. Ambedkar MTNL Sc/ST/OBC Telecom Emp. Welfare Assn. (M: 9868549755)
 - # MTNL Karamchari Vikas Sanghathan (M: 9868001515)
 - # MTNL Employees Welfare Union (M: 9868115485)
 - # MTNL Karamchari Ekta Union (M: 9868838008)
 - # Retired Telecom Officers' Welfare Association (M: 9968721515)
 - # MTNL(DOT) Ex .Employees Welfare Association (M: 9968075051)
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Ref. No. UFOM/Memorandum/2012-13

Date: 18-07-2012

To,

Shri Kapil Sibal
Minister of communication & IT ,,
Sanchar Bhawan
20, Ashoka Road
New Delhi-110001

M E M O R A N D U M

ON

**DISCRIMINATION MADE AGAINST MTNL, MTNL EMPLOYEES,
EXECUTIVES & RETIREES IN RESPECT OF DISCHARGING OF
PENSIONARY LIABILITY OF DOT EMPLOYEES & OFFICERS EN-
MASS TRANSFERRED AND ABSORBED IN MTNL**

Hon'ble Sir,

MTNL employees and various executive cadres of MTNL, Delhi and Mumbai are agitating to press for the immediate ,favorable settlement of the following demands :-

- (1) Payment of Pension and Family Pension to the absorbed employees of MTNL by the Govt. Of India , similar to that in BSNL and, for that matter, stop the move to form Pension Trust.
- (2) Immediate Revision of Government Pension and Family Pension of abosrved MTNL pensioners retired prior to 1.1.2007.

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- (3) Immediate implementation of the order dated 2.4.2009 of Dept. of Public Enterprises, Govt. of India to give effect 78.2% neutralization of IDA instead of 68.8% IDA in MTNL. We solicit your kind and prompt intervention in this respect for early amicable settlement.

We state hereunder the brief statement of facts and our view points about the issues mentioned above.

DEMANDS RELATED TO PENSION AND REVISION OF PENSIN

- (1) We are opposed to the formation of Trust 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 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 with which pension is supposed to be regulated, have no mention about the provision of Trust. 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.
- (2) The plain reading of OM dated 5.7.89 and 31.3.95 gives an 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.

THIS IS ACCEPTED AND ACKNOWLEDGED BY ADDITIONAL 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."

The said file noting further underlines the reason and basis of the doubt of MTNL absorbess about the actual intention of the Government behind the move of formation of 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."

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

(3) We demand similar pensionary provisions in MTNL as provided for our counterparts in BSNL. Because we both are basically DOT recruited Government employees with the similar benefit of secured Government pension and family pension while in DOT. It is the Government policy and act that has separated us and transferred us in 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 1.4.2000. Therefore, this can not and should not be 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.

(4) **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 between MTNL and BSNL pensions, and Rajya Sabha was informed accordingly in form of the answer to a question. These are all matter of records and no amount beaucroatic jugglery can alter these facts.**

(5) **The pay scales can not be a deciding factor whether pension would be paid by the Government or not. BSNL's pay scales are different from the pay scales of DOT. BSNL's pay scales are higher. This does not prevent Government from paying the Government pension to the BSNL employees as in DOT. Similarly the pay scales in AAI are different from BSNL's pay scales. But for the similarly placed employees of both BSNL and AAI, pension is being paid by the Government.**

Moreover, the Government decided and enacted two different modes of pension for MTNL and BSNL when their respective transferred employees were still on DOT's pay scales. Therefore, such excuse is mooted only to deny the MTNL employees the secured pension.

- (6) We demand immediate revision of Government Pension and Family Pension on combined services for MTNL pensioners retired prior to 1.1.2007, because this is another glaring example of injustice being perpetuated in MTNL, thanks to the step motherly attitude of DOT towards MTNL. The kind of initiative taken by DOT years before for revision of pension of its transferred employees in BSNL is totally missing in case of the similarly placed retirees in MTNL. Such discriminatory attitude of DOT towards MTNL is the major cause of irritations and frustrations in MTNL. Our demand is, as in BSNL, DOT should bear the responsibility and liability of both pension and revision of pension in MTNL ultimately.

DEMAND FOR IMPLEMENTATION OF ORDER OF 78.2%
NEUTRALIZATION
WITH EFFECT FROM 1.1.2007

As per order dated 2.4.2009 of Department of Public Enterprises, Govt. of India, all major CPSUs have already implemented 78.2% neutralization in emoluments of their employees. Even in BSNL, the bi-partite agreement between Management of BSNL and Employees' Union has been reached to give effect to this issue. But MTNL Management, despite our protracted persuasions, has forthrightly denied to implement this.

Our view point is, it is incumbent on MTNL Management to implement this issue. There can not be a total denial to such mandatory provision. MTNL's present debt-ridden position is not due to the lack of performance on the part of its employees. Therefore, the employees can not be deprived of their legitimate dues on such account.

CONCLUDING PARAGRAPH

Hon,ble Sir,

We are aware that we are encroaching upon your valuable time which is meant for many important issues related to two large Ministries of Government of India. But we are undone. The employees like us entered in the Government services and worked through the major part of our service life with

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comparatively small pay scales. The only silver lining was the security of pension and family pension on retirement. We reconciled with the Govt's decision of restructuring of DOT and the following fall outs. But it is very difficult to digest silently to get ourselves robbed of whatever we ought to have and whatever we should have at this stage.

Therefore, we humbly request you to kindly intervene immediately and **direct** MTNL/DOT to sort out our pressing issues as demanded.

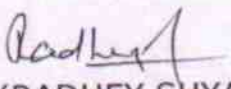
FOR THIS, WE REMAIN EVER GRATEFUL to YOU.

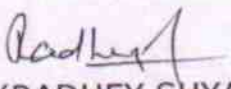
Yours Sincerely,

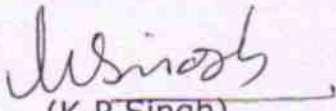

(A.K. KAUSHIK)
GS TEAM


(V.K. Tomar)
GS MEA

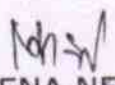

(Virjesh Upadhyay)
GS MTNL Mazdoor Sangh



(MANGE RAM SHARMA)
President MTNL Staff Union

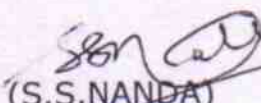

(RADHEY SHYAM)
GS MTNL workers union(NFTE)


(K.P. Singh)
MTNL SC/ST EW association


(SATVEER SINGH)
GS MTNL Karamchari Ekta Union


(NEENA NEGI)
GS MTNLW Union


(R.P. SHARMA)
GS MTNL(DOT) Ex. EWA


(S.S. NANDA)
GS RTOWA


(NAFE SINGH)
GS Dr. Ambedkar MTNL(SC/ST/OBC/TEWA)


(R.S. ARORA)
GS MTNL VIKS SANGHTHAN