।। श्रम ही आराधना ।।

Bharatiya Doorsanchar Pensioners' Sangh

(Registraion No. PN4934 dated 24th July 2020)

(Affiliated to BMS)

Viswakarma Bhawan,
185 Shaniwar Peth,
Pune 411030

No. BDPS/DoP&PW/25-26/1 Date: 06 January 2026

To,
Dr. Jitendra Singh Ji
Hon'ble Minister of State for Personnel, Public Grievances & Pensioner Welfare
Govt. Of India,
New Delhi 110 001

Sub: Constitution of Committee for Assessment & Evaluation of Guidelines for Pensioner Welfare Associations (PWAs) -reg

Ref: OM No.4(5)/2023-P&PW(H)-9002 Dated 07 August 2023.

Respected Sir

The Bharatiya Doorsanchar Pensioners Sangh (BDPS), is a Registered Trade Union affiliated to the Bharatiya Mazdoor Sangh (BMS) having its Members spread all over India.

As per the OM under reference a Committee has been constituted for subject work as detailed in the OM with some 3 Pensioner Welfare Associations as its Members.

Since we have been actively working and organising various activities for the welfare of Pensioners and also affiliated to BMS the No.1 Trade Union in India we would request you to include our name in the Committee constituted.

By not including our name in the committee, Assessment and evaluation done will miss input from the major Pensioners Union.

We therefore, request you to cause issuing a revised list of Committee Members with inclusion of Bharatiya Doorsanchar Pensioner Sangh (Affiliated to BMS).

With Profound Regards

Yours faithfully

(Hari Sowani)
General Secretary
E Mail id: bdpschq2020@gmail.com/sowanihv@gmail.com
Mobile: 9422324040

Copy for kind information to:

1. The General Secretary BMS Thengadi Bhawan New Delhi.

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भारतीय दूरसंचार पेन्शनर्स संघ

(पंजीकरण. क्र. PN 4934 Date 24 July 2020)

(संलग्न : भा. म. संघ)

विश्वकर्मा भवन,
185 शनवार पेठ,
पुणे 411030

No BDPS/PMO/2025-26/01 Date 05/01/2026

To

Dr. Jitendra Singh Ji
Hon'ble Minister for State For PM(O)
Prime Minister's Office
New Delhi-110 001

Respected Sir

Sub: Request for amendment in the Terms of Reference (ToR) of 8th Central Pay Commission and inclusion of pension revision for Pensioners and Family Pensioners within its purview --reg.

With profound respect and warm greetings from the Bharatiya Doorsanchar Pensioners Sangh (Affiliated to BMS) which is one of the largest representative associations of BSNL pensioners having presence in all over India, extend our heartfelt gratitude for the Constitution of 8th CPC committee and its Terms of Reference.

Government of India, Ministry of Finance Vide it's notification dated 03.11.2025, has published the formation of 8th Central Pay Commission along with its Terms of Reference (ToR). We wish to bring to your kind notice, certain vital aspects of the said Terms of Reference (ToR) of 8th Central Pay Commission, that merits reconsideration and suitable Amendment in the larger interest of the serving employees in general and pensioners in particular. **Sir, we request for amendment to the Terms of Reference (ToR) of 8th Central Pay Commission and the following issues need to be addressed**.

1) **Date of effect of the recommendation of the 8th CPC.**
In the Terms of Reference (ToR) given to the 8th CPC no such reference is made on the date of effect of the 8th CPC. You will appreciate that it is now an established fact that the Revision of the Central Government Employees wages, allowances and Pensionary benefits will take place once in 10 years. The Date of implementation of the previous CPC's recommendations are given below for your kind ready reference. 4th CPC - 01.01.1986, 5th CPC - 01.01.1996,6th CPC - 01.01.2006 & 7th CPC - 01.01.2016. In view of the above it is automatic and justified that the **8th CPC recommendations also, should be implemented w.e.f.**

01.01.2026. The same may please be included in the Terms of Reference (ToR) of 8th CPC.

2) **Revision of Pension & Pensionary Benefits under the different Pension schemes & Deletion of the terminology of "Unfunded cost of non-contributory pension schemes" from the Terms of Reference (ToR).**

There is no clarity on the existing 69 lakhs pensioners including family pensioners who have been covered under the Old Pension Scheme, Unified Pension Scheme & National Pension Scheme in Terms of Reference (ToR) of 8th Central Pay Commission for their revision of pension, parity in pension or their other pensionary benefits including the period of restoration of commutation of pension etc. **It is requested that the Government may kindly include it in the Terms of Reference (ToR); The terms of reference should include the following.**

"To examine the principles which should govern the structure of pension and other retirement benefits, including revision of pension, Parity in Pension in the case of employees who have retired on any date i.e. those who retired before 1/1/2026 or after 1/1/2026."

Our concern arises from the use of the phrase "unfunded cost of non-contributory pension schemes" in Para (e)(ii) of the ToR, which neither mentions pensioners nor recognizes their rights and interests within the Commission's scope. We believe this terminology is inappropriate, as it equates constitutionally and judicially protected pension entitlements with fiscal liabilities and departs from the humane, welfare-oriented approach followed by the Government in all earlier Pay Commissions. Pensioners perceive the existing TOR as negative and apprehend that the Govt is obliquely mandating the 8th CPC to weed out "all unfunded expenditure", assuming that contributions in the form of a portion of their salary alone could create such "funding" **ignoring all the sweat and blood that the pensioners "contributed" to the Society and the Nation during their long service career**.

It is, pertinent to note that no such terminology ("unfunded scheme") has ever been used in reference to pensions of MPs, MLAs, Judges of the Supreme Court or High Courts, or other constitutional functionaries - though their pensions too are non-contributory and drawn from the Consolidated Fund of India.

The Hon'ble Supreme Court of India had repeatedly affirmed it through various judgements.

• *The Hon'ble Supreme Court has said that: "Pension is not a bounty to be paid at the employer's whims; employer cannot wriggle out of responsibility by pleading paucity of funds".*

- *In the case of Vijay Kumar v. Central Bank of India, the Hon'ble Supreme Court ruled that pension is a constitutional right under Article 300A.*
- *The Hon'ble Supreme Court stated that in DS Nakra Judgment, "pension is a social welfare measure rendering socio- economic justice to those who in the heyday of their life ceaselessly toiled for the employer on an assurance that in their old age they would not be left in the lurch".*
- *The Hon'ble Supreme Court of India had repeatedly affirmed, more particularly in Deokinandan Prasad V/s State of Bihar 1971 - Pension is a property right and cannot be withdrawn except by Authority of Law. Pension constitutes a social welfare measure rendering socio-economic justice to employees, serving as assurance that they will not be left in lurch during old age, making it a constitutional obligation.*
- *The Government of India as a model employer has a moral and legal obligation to uphold the dignity and welfare of its retired employees. It needs to be appreciated that omission of the word "Pensioners" from the ToR is inconsistent when the pension is Lawful and affirmed by the Apex level of Court.*

Hence the 'unfunded cost of non-contributory pension scheme' does not apply for central government pensioners as the central government is a model employer and honours various Hon'ble Supreme Court directions and articles such as Article 300A, Article 21& Article 25 (1) and it is the recognition of the past service rendered to the government by pensioners & social obligations of the government of India**.**

Therefore, the words 'unfunded cost of non-contributor schemes' shall be deleted in the terms of reference and include in the Terms of Reference (ToRS),"To examine the principles which should govern the structure of pension and other retirement benefits, including revision of pension, irrespective of the date of retirement".

Sir, the 8th CPC should also review and recommend the other retirement benefits, pensionary benefits such as the restoration of commuted value of pension after 11 years, grant of additional quantum of pension /family pension once in 5 years from the date of retirement as recommended by the Parliamentary Standing Committee, health care for pensioners. etc. The commission shall review and recommend changes to scheme of CGEGIS for Central Government employees & pensioners.

We also appeal to the Hon'ble Prime Minister to include the following demands too in the Terms of Reference (ToR) of 8th CPC.

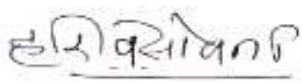
3) **Extension of 8th Central Pay Commission:**
The 8th Central Pay commission benefits shall be extended to centrally funded Autonomous and Statutory Bodies by the Government of India like BSNL & MTNL. We request to include this demand in the Terms of Reference (ToR) of 8th CPC.

4) **Health schemes**: The commission shall review and recommend changes to the health scheme for Central Government employees & pensioners and make it to cover all employees working in Autonomous and Statutory Bodies of the Government of India. The opening of more CGHS wellness centres across the district's headquarters and to ensure cashless and hassle-free medical treatment to employees and Pensioners. The commission may also examine the recommendations of the standing committee of Parliament recommendations on CGHS and suggest changes in CGHS scheme for Employees and Pensioners.

We are confident that the above proposals of ours will be considered in its true perspective and we request your kindself to arrange to issue appropriate amendments in the Terms of Reference (ToR) given to the 8th CPC, vide Gazette Notification dated 03.11.2025 ensuring inclusion of all the above aspects of the terms of reference.

With warm regards

Yours sincerely



(H V SOWANI)
General Secretary

Copy to: The GS BMS D B Thengadi Bhawan New Delhi.

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Bharatiya Doorsanchar Pensioners' Sangh

(Registraion No. PN4934 dated 24th July 2020)

(Affiliated to BMS)

Viswakarma Bhawan,
185 Shaniwar Peth,
Pune 411030

No. BDPS/BSNL/ST-Retd Employees/2 Dated: 05 Jan 2026

To,

Dr Jitendra Singh Ji
Hon'ble Minister for Pension & Pensioners Welfare
New Delhi 110001

Sub.: non-release of Pensionary benefits of BSNL retired employees (ST category), who are retired on VRS/ Voluntary retirement or Superannuation and wilfully **non-implementation of DoPP&W** *OM dated 30.11.2021* **by CCA office Mumbai.**

Ref: DoPP&W *OM No. 38/09(02)/2020-P&PW (A) (6721) dated 30.11.2021*

Respected Sir,

Apropos to above subject, we are constrained to approach you with the ray of hope for kind intervention in resolving the long pending issue since even after taking up subject matter at various level and even though statutory guidelines/clarification are issued by the DoPPW & DoT on legality, near about more than 200 retired employees are still getting deprived of their legitimate right of getting their retirement benefits even after completion of more than four years of retirement.

With great regards and respect, as a matter of background, it is brought in your kind notice that

1. All these retired employees were allowed to retire validly and lawfully from the BSNL by granting clear vigilance on 31.01.2020 under BSNL VRS-2019 Scheme as per due process of law.

2. It is settled position of law that once the employee was allowed to retire with clear vigilance without any pending departmental or judicial proceedings at the time of retirement, the right of entitlement of retirement benefits is accrued on the date of retirement itself. In the case in hand as all these employees were allowed to retire on 31/01/2020 under BSNLVRS-2019, their rights of getting retirement benefits were

accrued on 31/01/2020. It is needless to mention that such accrued right cannot taken away or diluted on any presumption as it is fixed and not contingent right.

3. But their retirement benefits are unfortunately kept pending on the pretext of pending verification/validation of caste certificate after retirement which was obviously not allowed as their right of getting retirement benefits which is constitutional right enshrined under Article 300A of Constitution of India accrued on 31/01/2020 as per law of land.

4. By considering the seriousness of the matter, **DoP&PW issued OM dated 30-11-2021 (Annexure-1)** as mentioned under reference, clarifying that, "*The Central Civil Services (Pension) Rules 1972 or instructions/guidelines issued by this department, however, do not provide for withholding of the retirement benefits under any other circumstances, including on account of pending verification of cast status of the employees".* Secondly, para 4 of the said latter also states that *'Unless departmental or judicial proceedings are pending against a retiring employee, the pensionary /retirement benefits of the retiring employee should not be withheld or delayed on the ground of pendency of verification of caste certificate.'*

5. Under para 5 of the DoPPW OM dated 30.11.2021, it is mentioned that, *"All the Ministries/Departments are also advised to bring these instruction to the notice of the attached /subordinate offices under their administrative control for* ***strict compliance****".* Hence accordingly Ministry of Telecom, Department of Telecom (Pension Section) had issued instruction dated 30-12-2021 **(Annexure-II)**, to all the office of Pr. CCAs, for compliance. Also, quarterly reports were sought from all CCA offices for the very purpose of monitoring compliance of the guidelines in the true letter and spirit.

6. It is pertinent to mention that for most of retirement employees in question, EPPOs were issued after verification of all documents, service book and vigilance clearance and regular pension was also paid on the said EPPO for some period by CCA Mumbai unit but then after without any notice or without giving any opportunity to the retired employee, the regular pension is magically converted into provisional pension by CCA unit Mumbai in absence of any provision to that effect under the CCS Pension Rules.

7. Whenever the aggrieved retired employees approached to CCA unit Mumbai, it is being informed that, *"provisional pension (by stopping regular pension) is being paid as per the provisional pension sanction received from the Head of Office i.e. CGM of concerned circle."* Further CCA unit Mumbai informed that, "*The pensionary benefits will be released on receipt of vigilance clearance certificate as on date from the head of office of the retiree*" which is totally unlawful. And as wrongfully provisional pension

is paid to the retired employees, their payment of deferred gratuity was also not done on due dates.

8. As there is no provision to convert regular pension into provisional pension on any ground. Thus after issuance of EPPO and payment of regular pension on the said EPPO, even if provisional payment sanction is accorded by the Head of Office, the said sanction has no any legal force and it stands to null and void *per se*.

9. Under the terms and conditions of BSNL Voluntary Retirement Scheme-2019, under point 6.2 (b) (i) it is mentioned that, "for the employees(s) who have attained more than 55 years of age on the effective date of Voluntary retirement, the payment of gratuity will be made after such employee attains the age of 60 years (superannuation age on the date of offer of VRS):

   Provided that such payment of gratuity shall be made within one month from date of attaining 60 years."

   It is pertinent to mention that the right of getting gratuity was accrued on the date of retirement i.e. 31/01/2020. So it is approved while issuing of EPPO and is mentioned in it. It was kept deferred for payment as per term and condition of VRS with simple interest at the prevailing GPF rates which was to be paid within one month from date of attaining 60 years.

   It may be noted that there was no any condition under VRS for requirement of again fresh vigilance clearance for releasing the payment of deferred Gratuity. It is so because the gratuity was due on 31-01-2020 and approved at the time of issuance of EPPO. Only it was deferred for payment to avoid financial burden at once on exchequer due to mass VRS. Hence calling of fresh Vigilance Clearance as on date by CCA Mumbai is fully illegal and highly condemnable.

10. It is settled position of law that Neither the Regular pension can be converted into Provisional Pension once regular pension is issued on approved EPPO, nor further any reduction or stoppage of pension shall be effected unless and until misconduct is proved as per due procedure of law and order to that effect is issued by the competent/disciplinary authority. Thus even if charge sheet is issued to the retired employee after clear retirement that will not have any effect of his right accrued of getting retirement benefit, since on the date of retirement he was relieved with clear vigilance and all retirement benefit are to be issued on the status at the time of retirement.

11. Being pension disbursing authority of Department of Telecom, Govt. of India, i.e. CCA office is better acquainted about CCS Pension Rule and has to work as regulatory

department. Thus even BSNL Authorities commit any mistake or violate any rule that is to be objected and corrected by the CCA in order to protect the constitutional right of retired employee enshrined under Article 300A of the Constitution of India. Thus all irregularities created in relation with the pensioner are attributable only to CCA unit which is controlling and regulatory authority for the pensioners.

12. In the present matter CCA unit is shrinking away from its responsibly and clearly hiding their wrongdoing by taking shelter of the BSNL Authority. On the contrary, **BSNL had itself implemented the DoPPW OM dated 30-11-2023 and released the pending leave encashment** of all these retired employees in the month of September 2022 without calling any fresh vigilance clearance, obviously which is not warranted too. BSNL CO had issued clear instruction on 25-07-2022 **(Annexure-III)** clarifying all doubts raised by BSNL Maharashtra Circle which summarily instructed *to settle retirement payment in accordance with the position laid down in DoPPW OM dated 30-11-2021,* even if the charge sheet has been issued & served after their retirement for not complying the instructions for applying for the validation of their caste/tribe certificate before the competent authority. (Refer Point 1 (ii) and Point 2 collectively of said letter). Moreover the letter dated 12-09-2022 **(Annexure-IV)** by BSNL CO addressed to Hon'ble Information Commissioner, CIC Bhawan, Munirka, New Delhi-110067, in submissions with regards to hearing for 2nd appeal under the provisions of the RTI Act, 2005, reveals the truthful implementation of DoPPW OM dated 31/11/2021. Para no.1 (iv) of the said letter may be referred.

13. The Court of Law also upheld legal validity of DoPPW OM dated 30-11-2021 in conformity with CCS Pension Rules 1972. There are plethora of judgments given by Honb'le Courts. However for the sake of brevity, your attention is invited to Writ Petition No.2539/2021 of Narendra K. Kumbhare versus Union of India & others, wherein it is clearly held by Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur that *"No departmental proceedings were held against the petitioner prior to his superannuation on the basis of which he could be deprived of his pensionary benefits. As the petitioner has superannuated without being placed on supernumerary post, there is no reason to withhold his pensionary benefits. In that view of the matter, the petitioner is entitled for the relief of grant of retirement benefits."* The copy of said judgment dated 08-08-2023, in Writ Petition No.2539/2021 is annexed as **Annexure-V**.

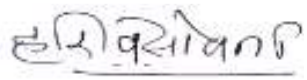
14. At last, it is needless to state that these retired employees with full trust and faith have opted for retirement under the VRS scheme to meet urgent need of money for the various assignment like repayment of huge housing loans, higher education of

children, marriage of daughters, family & other social compulsions etc. As the retrial benefits are not settled even after the completion of more than 4 years of the retirement, result adverse traumatic effect on their health. It is reported that around 25 persons have already lost their life and recently due to severe mental stress one of the similar placed retired employee Shri Chintalwad died due to severe cardiac arrest/ heart attack due because of financial stress due to non-payment.

In the aforesaid background, we have deep hope that Sir, you will issue the necessary instruction to CCA Mumbai so that these VRS retiree of BSNL, will not to compel to celebrate a Dark Diwali or compel to die to get their benefit to their family, in spite of the fact that they have served the BSNL for more than 30/35 years of their life span and protect their constitutional right accrued on lawful retirement, conferred to retired employees under Article 300A of Constitution of India.

With profound regards

Yours faithfully



HARI V. SOWANI
General Secretary.
E mail : bdpschq2020@gmail.com
Phone : +91 9422324040

Copy for infomation to:

1. The Secretary DOP&PW, New Delhi
2. The Secretary Department of Telecommunication, New Delhi.
3. The GS BMS Central New Delhi
4. CGCA New Delhi.
5. Pr. CCA Maharashtra and Goa, Mumbai.