

भारत संचार निगम लिमिटेड  
BHARAT SANCHAR NIGAM LTD.  
(A Government of India Enterprise)

CORPORATE OFFICE  
PAT SECTION  
Bharat Sanchar Bhawan,  
H. C. Mathur Lane, New Delhi-1

Endorsement No.1-5/2004-PAT(BSNL)Pt.II

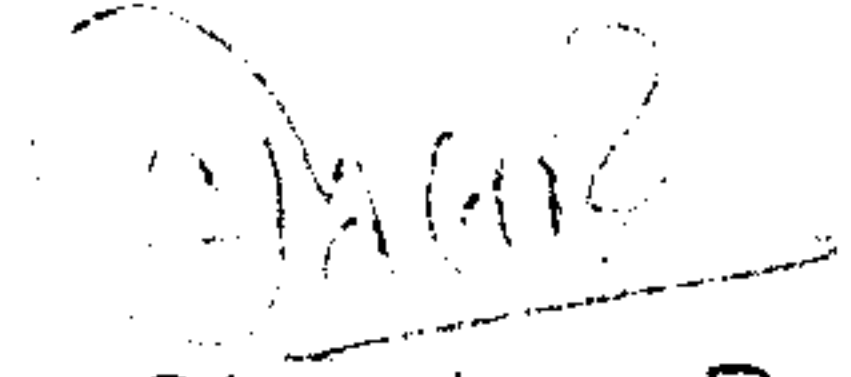
Dated, the 11-12-2010

CIRCULAR NO. 17

Subject:- Pay fixation in case of Group "B" Officers absorbed in BSNL who have opted for IDA pay scale from the date of promotion after 1.10.2000 - regarding.

The undersigned is directed to forward herewith the DOT letter No. OM No. 2-49(3)/2009-PAT dated 4.11.2010 and corrigendum dated 22.11.2010 alongwith BSNL letter No.1-37/04-PAT(BSNL) dated 24.9.2004 to all concerned for information and necessary action please.

Encl: As above.

  
(Sheo Shankar Prasad)  
Assistant General Manager (Pers.V)  
Tel.No.23037475

To  
All Heads of Telecom. Circles/  
All Heads of other Administrative Units  
Bharat Sanchar Nigam Ltd.

Copy to:

1. PPS to CMD, BSNL, New Delhi.
2. PPS to Dir(HR)/Dir(Enterprise)/Dir(CFA)/Dir(CM)/Dir(Fin) BSNL Board.
3. DDG(Estt), DOT, Sanchar Bhawan, New Delhi.
4. Director(Estt), DoT, Sanchar Bhawan, New Delhi.
5. All PGMs/Sr. GMs / GMs in BSNL C.O.
6. DGM(A)/(CA)/(EF)/(Pers.)/(SEA)/(Civil)/(Arch)/(Elect)/(TF) BSNL C.O.
7. Director(PSU-I)/(Estt)/ADG(Accounts-II), PFP Section, DOT, Sanchar Bhawan, New Delhi.
8. AGM(R&P)/(EF)/(CSS)/(SEA)/(Pers.I)/(Pers.II)/(Pers.III)/(Pers.IV)/(Civil)/(A&E)/(TF) BSNL C.O.
9. DM(PayBill)/(Cash)/(L&A)/(Pension)/(CSS)/(Pers.I)/(Pers.II)/(Pers.III)/(Pers.IV).BSNL C.O.
10. AD(OL) for Hindi version.
11. Guard File.

Government of India  
Ministry of Communications & I.T.  
Department of Telecommunications,  
20, Ashoka Road, Sanchar Bhawan,  
New Delhi-110001

dated the 4<sup>th</sup> November, 2010

To  
(i) All Principal CCAs/CCAs/Joint CCAs  
(ii) CMD, BSNL

Subject: Pay Fixation in case of Group "B" Officers absorbed in BSNL who have opted for IDA pay scale from the date of promotion after 1.10.2010 -regarding


I am directed to say that BSNL CO issued Office Order No.1-5/2004 dated 30.6.2004 indicating availability of option under para 4 of DOP&PW's OM No.4/18/87-P&PW(D) dated 5.7.1989 to Government employees seeking permanent absorption in BSNL to retain Government pay scales till their promotion or retirement (whichever is earlier). Further, BSNL CO issued letter no. 1-37/2004-PAT(B) dated 24.9.2004 clarifying that the pay of such officers on promotion is to be fixed in CDA pay scales under FR and thereafter the enhanced pay is to be converted into pay scales on point to point basis. In this regard, DOT vide letter No.1-1(04)/2005-PAT (Pt) dated 24.9.2008 had conveyed to CCA Kerala to decide the case provisionally based on the existing instructions of BSNL till any further clarification is issued by this office. However, in many other Circles also, O/o CCAs have nullified this option of the BSNL employees, which has resulted in reduction of their pay and consequently the pensionary benefits. This has resulted in filing several court cases on the issue in various High Courts/ CAT throughout the country.

2. It has now been decided to extend the pensionary benefits to all retiring/retired BSNL Employees, who had opted for their pay fixation in IDA pay scale from the date of their promotion after 1.10.2010, provisionally as per BSNL letter no. 1-37/2004-PAT(B) dated 24.9.2004, on execution of bonds by them to the effect that subject to the final decision of the Government on the issue and they will abide by that decision and they are liable to refund the excess amount paid, if any, on account of provisional pay fixation in IDA pay scales from the date of their promotion after 1.10.2000. This is also in accordance with the order dated 29.3.2010 of Hon'ble C.A.T., Ernakulam Bench in RA. No.11/2010 of TA 115/2008 in the matter of Shri K Balakrishnan and Ors and UOI and Ors, which has been implemented by this Department.

3. All Principal CCAs/CCAs/Joint CCAs are requested to take action accordingly. In all pending/future court cases in which no replies have been filed so far, replies on the above line may be filed promptly.

This issues with the approval of the competent authority.

Yours faithfully,

  
(S. P. Singh)  
Director (Estt.)

Copy for information to:- Shri DP De. DDG(Estt), BSNL CO, - w.r.t. BSNL letter No.1-5/04-PAT(BSNL) dt.9.9.10

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2-49(3)/2009-PAT  
Government of India.  
Ministry of Telecommunications &IT  
Department of Telecommunications  
1120,Sanchar Bhawan, 20 Ashoka Road  
New Delhi-110001

Dated:- 22-11-2010

To,

27 45  
25/11/10

- (i) All Pricincipal CCAs/CCAs/Dy. CCAs
- (ii) CMD, BSNL.

2260 Fax  
23/11/10

CORRIGENDUM

Sub:- Pay fixation in case of Group "B" officers absorbed in BSNL, who have opted for IDA pay scale from the date of promotion after 1.10. 2000-regarding.

Sir,

In continuation of this office letter of even No dated 4<sup>th</sup>, November, 2010 on the subject cited above, it is stated that the date of promotion for implementation of pay fixation of Group "B" officers absorbed in BSNL who have opted IDA pay scale may be read as 1.10.2000 instead of 1.10.2010

Please treat it as most urgent.

Yours Faithfully,

*(Signature)*  
27/11/10

(S.P.Singh)  
Director(Estt)

Phone No. 23036500.

*Pl. Check up*

*27/11/10*

*25/11/10*

*24/11/10*

*25/11/10*

NO. 1-4/2009-PAT (BSNL)/PA-II

**BHARAT SANCHAR NIGAM LIMITED**

(A Govt. of India Enterprise)

(PAT Section)

Statesman House, New Delhi-110001

No. 1-5/2004-PAT(B)

30-06-2004.

**OFFICE ORDER**

Sub: Introduction of IDA Pay Scales w.e.f. 01-10-2000 in replacement of existing CDA Pay Scales for Executives Staff (Group'B' absorbed from DOT/DTS/DTO in BSNL w.e.f. 01-10-2000.

....

In continuation of this office order of even number dated 18-03-2004 on the above subject, it is stated that an option is available to the employees to come over to the service condition of the PSU from the date of their promotion or retirement (whichever is earlier) and until then they will continue to be governed by the pay scales, leave entitlements and terminal benefits under the government as per Para 4 of DOP&PW O.M.No. 4/18/87 P&PW(D) dated 05-07-1989.

This option is admissible to those employees, who are regularly promoted in the higher grade, for fixation of their pay in IDA pay scale of the promoted post.

Hindi version will follow:



(Sheo Shankar Prasad)  
Section Officer (PAT)  
Tele. No. 23036009.

All CGMs. BSNL  
All IFAs BSNL  
All Sr. DDsG/DDsG, BSNL, Corporate Office, New Delhi

Copy for information to:

1. PPS to Chairman, T. C., Sanchar Bhavan, New Delhi.
2. All Members, Telecom Commission, Sanchar Bhavan, New Delhi
3. CMD, BSNL, Statesman House, New Delhi
4. Advisor (HRD) Telecom Commission, Sanchar Bhavan, New Delhi
5. All Directors, BSNL Board, Statesman House, New Delhi
6. Sr. DDG (SU)/DDG (SR)/DDG (Estt.) DoT New Delhi
7. DDG (SR), BSNL for circulating among recognised associations.
8. AD (OL) with a request to provide the Hindi version of the letter.



7/2/04

7/2/04

**Bharat Sanchar Nigam Limited.**  
**(A Government of India Enterprise)**  
**(Corporate Office)**  
**B-201, Statesman House,**  
**Barakhamba Road, New Delhi-110 001**

No. 1-37/2004-PAT(B)

Dated:- 24-9-2004

To

The Chief General Manager,  
BSNL,  
Eastern Telecom. Region,  
Kolkata - 700073

Sub:- Deferred pay fixation in IDA pay scales of Gr. 'B' officers.

Sir,

I am directed to refer your office letter No. CGM/ETR/AOCA/BSNL/P-3/2004-05 dated 22-7-2004 on the subject cited above and to clarify that the pay of the officers on promotion is to be first fixed in CDA pay scales under FR and thereafter the enhanced pay is to be converted into IDA pay scales on point to point basis.

Yours faithfully,

(Akhilesh Kumar)  
Assistant Director General(Pers.V)  
Tel.No.23766034

Copy to :-

1. CGM, BSNL, Maharashtra Telecom Circle, Mumbai w.r.t. their letter No. F/FC/Absorb/115 dated 8-9-2004.
2. Pension Section, w.r.t. their Note No. 39-1/2004-Pens.(B) Pt dated 3-9-2004.

(80)

No.4/18/87-P&PW (D)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Pension & Pensioners' Welfare)

6<sup>th</sup> Floor Nirvachan Sadan  
New Delhi, dated the 5<sup>th</sup> July, 1989

OFFICE MEMORANDUM

**Subject:- Settlement of pensionary terms etc., in respect of Government employees transferred en masse to Central Public Sector Undertakings/Central Autonomous bodies.**

The undersigned is directed to refer to this Department's Office Memorandum No. 4(8)/85-P&PW dated 13<sup>th</sup> January 1986 and Office Memorandum of even number dated 30<sup>th</sup> October, 1986 on the above subject. The question of settlement of pensionary terms on conversion of a Government Department or a segment thereof or a Government office into a Central Public Sector Undertaking/autonomous body has been reviewed in the light of the recommendations of the Committee of the National Council (JCM). The President is now please to decide that, in a partial modification of above mentioned Office Memoranda, the following terms and conditions will be applicable in the case of en masse transfer of employees:

- a) The permanent Government servants shall have an option to retain the pensionary benefits available to them under the Government rules or be governed by the rules of the Public Sector Undertaking/Autonomous Body. This option shall also be available to quasi-permanent and temporary employees after they have been conformed in the Public Sector Undertaking/Autonomous Body.
- b) The Government servants who opt to be governed by the pensionary benefits available under the Government, shall at the time of their retirement, be entitled to pension etc. in accordance with the Central Government rules in force at that time.
- c) The permanent Government servants with less than 10 years service, quasi permanent employees and temporary employees who opt for the rules of the PSU/Autonomous Body shall be entitled to an amount equal to Provident Fund contribution for the period of their service under the Government upto the date of permanent absorption in the PSU/Autonomous Body with simple interest at 6% per annum as opening balance in their CPF account with the Public Sector Undertaking/Autonomous Body.
- d) The permanent Central Government servants who have completed 10 years or more of service and who opt for the retirement benefits of a PSU/Autonomous Body will receive pro-rata retirement benefits for the service rendered under the Government. These will be regulated as follows:-
  - i) Employees who have an option either to draw pro-rata pension monthly or to draw a lump sum amount in lieu of 100% pro-rata pension.
  - ii) Where the employees opt in favor of monthly payment of pro-rata pension, the same shall be allowed to be drawn with effect from the date of permanent absorption in a

(81)

PSU/Autonomous Body. No part of pro-rata pension will be allowed to be commuted either at the time of permanent absorption or any time thereafter.

- iii) In the case of employees who opt in favor of a lumpsum amount in lieu of 100% pro-rata pension, the lumpsum value shall be worked out on the basis of table prescribed under the CCS (Commutation of Pension) Rules, 1981.
- iv) In the case of employees covered by clause (ii), the retirement gratuity and for those covered by clause (iii) above, both retirement gratuity as well as lumpsum commuted value shall be paid on the expiry of a period of 7 years from the date of permanent absorption. The amounts, however, can be paid earlier in the event of death/retirement/resignation/discharge from service.
- v) The amounts of retirement gratuity and lump sum value in lieu of pension mentioned in clause (iv) above shall remain with the Government, and earn interest at the rate prescribed for General provident Fund deposits from time to time for the period they remain with the Government.

2. The family pension entitlements will be regulated in accordance with the instructions being issued separately.

3. As soon as a Central Government Department, Office or segment of a Government Department is converted into a PSU/Autonomous Body, the concerned Government servants will be transferred to such new organisation on foreign service terms in the initial period. The Government servants will be permanently absorbed in the PSU/Autonomous Body with effect from prospective date to be fixed by the concerned administrative Ministry/Department and from that date they will cease to be Government servants. Such of the Government servants who are not willing to be absorbed will have an option to revert back to Govt. service. In that event, if no suitable vacancies are available in the Office/Department/Ministry for such employees, their names will be transferred to Surplus Staff Cell.

4. The Public Sector Undertaking/Autonomous Body will formulate the terms and conditions of service in the new body at the earliest possible date. The employees will however have an option to retain Government pay scales till their promotion or retirement (whichever is earlier) or to come over to the service conditions of the PSU/Autonomous Body. However, until the exercise of this option, they will continue to be governed by the pay scales, leave entitlements and terminal benefits under the Government.

5. Dismissal/removal from the service of a PSU/Autonomous Body after absorption for any subsequent misconduct shall not amount to forfeiture of his retirement benefits for the service rendered in the Central Government. Also in the event of dismissal/removal of a transferred employees from the PSU/autonomous body, the employee concerned will be allowed protection to the extent that the administrative Ministry/Department will review order before taking a final decision.

6. The other terms and conditions stipulated in Department's Office Memoranda dated 13<sup>th</sup> January 1986 and 30<sup>th</sup> October, 1986 referred above, which have not been specifically modified, will continue to remain operative.

7. These orders will also be applicable to those Government servants who would be absorbed in the Mahanagar Telephone Nigam Ltd./ Videsh Sanchar Nigam Ltd./ National Airports Authority of India etc

8. In their application to the employees serving in the Indian Audit & Accounts Department, these orders issue in consultation with the Comptroller & Auditor General of India.

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Hindi version will follow.

Sd/-  
(Ashish Kumar)  
Dy. Secretary to the Government of India

To

All Ministries/Departments of the Government of India