



ALL INDIA POSTAL AND RMS PENSIONERS ASSOCIATION

Central Headquarters

(Registered Association No: 83/2015 under the Tamilnadu Societies Registration Act, 1975)

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To,

Dated:- 05-09-2024

1. Hon'ble Prime Minister, Govt. of India, New Delhi-110001
2. Hon'ble Finance Minister, Govt. of India, N.Delhi-110001
3. Hon'ble Minister, Pension & Pension Welfare, Govt. of India
New Delhi-110001
4. Hon'ble Railway Minister, Govt. of India, New Delhi-110001
5. Hon'ble Minister, Communications & IT, Govt of India N. Delhi
6. The Cabinet Secretary, Govt. of India, New Delhi-110001

Respected Sir/ Madam,

The National coordination committee of Pensioners Associations and we are the affiliated Associations of NCCPA are submitting this memorandum on Pension related issues of CG Pensioners, BSNL Pensioners, Bank Pensioners etc., seeking your personal intervention for early settlement. The undermentioned issues require to be attended to by the Government urgently:

1. Restoration of Old Pension scheme: -The Central, State Government employees as well as the Public Sector Employees retire from services prior to 2004 were granted Pension ensuring 50% the basic pay on retirement and Dearness Relief on it 'called the defined pension scheme'. This Pension quantum was periodically revised along with the wage revision except for Public Sector Retirees through the Pay Commissions also. The introduction of NPS (National Pension System) from 1.1.2004 turned all these rights into vagaries depending on the market investment besides 10% of Pay and DA was regularly being recovered monthly. The argument of the Government that this NPS will be fruitful only after long time also turned out to be false as after 20 long years of introduction the NPS fetched only a pittance of quantum as Pension. It was in this background that the demand for replacement of NPS and reintroduction of OPS to all rent the air.

The recently announced cabinet decision in the name of UPS (Unified Pension Scheme) also contains this 10% recovery from the work force and so basically it is also a Defined Contribution Scheme and thus the discrimination between UPS and OPS continues. Many other provisions of UPS also anti-Pensioner anti-employees in nature and carries very less benefit only. The provision in OPS like periodic updation of Pension; additional pension on attaining the age of 80-85-90-95-100 to both Pensioners and Family Pensioners; ensuring LPD or 10 months' Pay whichever is greater for fixing the pension for 10 years served employees; full pension for voluntary retirement on the day of retirement etc., are not granted in the recently decided UPS.

Moreover, the private fund managers are going to be enormously benefited by the enhancement of government share from 14 to 18.5% so that a total of 28.5% every month per employee will be handed over to the private fund managers. Thus, it is a scheme of pro-corporates only. UPS is anti-worker and against the tenets of milestone Nakara Judgment of Supreme Court which categorically opposed any division of Pensioners from any cut-off date.

Many State Governments understanding these issues reversed the NPS into OPS but the Center failed to appreciate the move. It started to threaten the State Governments with dire financial consequences if reversion to OPS is resorted to by them. Even the so-called GPS *Guaranteed Pension System” implemented by the Andhra State Government is not ameliorating the Pensioners from all the problems posed by the NPS or UPS as like the monthly recoveries etc. The constitution of a high-powered Committee by the Central Government turned out to be an eye-wash only and said Committee avoided any recommendation from suggesting abrogation of NPS and to restore OPS.

2. NPS Pensioners switching to OPS without hiccups:- Subject to conversion of NPA into OPS for all, we welcome the Government OM issued through DOP&PW on 9.4.2024 and 3.3.2023 allowing those NPS employees and pensioners recruited on the basis of any advertisement or vacancies notified prior to the issuance of OM dated 22.12.2003 can get into the OPS by option. But certain hiccups are encountered while implementation at the field level. Those Pensioners who had drawn the amount at the time of their retirement are forced to return the amount with interest to the Government and opt for conversion to NPS. This has acted as a ruin and most of the Pensioners retired under NPS cannot repay as they have spent the amount for their children’s marriage or education. Now they have to rely on money lenders for the amount to be remitted to the Government and even there the calculation of interest is left to the department and this causes abnormal delay. The strain on the Pensioners is also huge and unbearable. The NCCPA and its affiliates request for adjustment of the amount to be remitted to the Government in the amount to be sanctioned by way of commutation and other benefits granted on conversion to OPS. NCCPA and its Affiliates also urge the Government to extend the right of grant of family pension to all the NPS Pensioners also on their death and the spouse and subsequently the wards are eligible to family pension like their counter part the CG Pensioner under CCS Pension Rules, 2021. In short, we insist that the NPS be abolished altogether and OPS be restored for all.

3. NPS Pensioners to be allowed in CGHS and FMA paid also: - At present the NPS Pensioners are allowed in CGHS only if they have completed 10 years of minimum service and paid FMA also only if they completed 10 years of service and reside in non-CGHS areas. After all the beneficiaries are to pay to CGHS according to their Grade Pay at the time of retirement. The NPS Pensioners with less than 10 years’ service also going to pay the subscription like others and so the NPS Pensioners with less than 10 years’ service also be allowed to join CGHS as the responsibility of the Government to provide for medical treatment to all cannot be denied. Similarly FMA may be paid to all the NPS Pensioners residing in non-CGHS areas if they opt for IP only from CGHS. The present system is anti-NPS pensioners.

4. Restoration of Senior Citizen Travel Concession: -During Corona Pandemic the travel concession in Train Journey was withheld by the Indian Government but even today in the name of profit to Railways the concession is not restored. The travel concession was granted as a measure to grant concession to senior citizens and this Government's action of not restoring the concession is clearly anti-senior citizens. Such measure should not be looked into as profit and loss while the Government has no hesitation to write off lakhs of crores of rupees bank loans for the corporates without batting the eye. NCCPA urges to restore the concession immediately.

5. Constitution of 8th CPC: - The inflation rate in the country has already made the real pension a mockery. The Dearness Relief granted has already crossed 50% mark. The Pay Commission will take its time and the Government its time to examine the recommendations. Therefore, it is high time to constitute 8th Pay Commission now so that the recommendations are examined and implemented from 1.1.2026. There is only 18 months' time left for the next revision of pension updation implemented.

6. Grant of Impounded DA/DR for 18 months:-The government is adamant in not granting the DA/DR arrears for 18 months and impounded during the corona. Even though out of pressure the 11% DA/DR was released, the entire arrears for 18 months is continue to be impounded even now. The SCOVA meetings and the Parliament Replies are denying the arrears due to us. The stand of the Government that the money was spent for fighting the pandemic is very hollow. Several world governments have spent multi-billion dollars to fight the menace but the Indian Government did not spend like that and therefore the answer that the corona was fought with the DA/DR arrears of CG Employees /Pensioners are very hollow indeed. The Government which could spend several lakh crores towards waiving the unpaid loans of corporates could not say that the poultry arrears of DA/DR was spent on fighting the pandemic. NCCPA and Affiliates therefore demand repayment of entire arrears of DA/DR impounded for the period of 18 months.

7. Updation of pension for BSNL Pensioners:Pension Revision to BSNL absorbed retirees due from 01-01-2017 is being prolonged unjustly. NCCPA strongly protest against the injustice meted out to the BSNL retirees by denying their legitimate right of pension revision for such a long time. The entire telecom employees were transferred to the new entity, BSNL without giving them any option but assuring them better prospects and pension from government. The CCS (Pension) Rules, 1972 was amended by incorporating Rule 37A for this purpose. Accordingly, pension to BSNL absorbed retirees is being paid from the Consolidated Fund of the Central Government.

The pension revision due from 01-01-2007 was settled with 30% fitment recommended by the 2nd PRC. The 3rd PRC has recommended a maximum fitment of 15%. However, initially the government had taken a stand that pension revision is intrinsically linked with wage revision and BSNL not in a position to implement wage revision.

But the fact remains that payment of pensionary benefits to BSNL absorbed retirees is no way connected with BSNL as the entire liability is to be borne by the government, particularly after annulment of 60:40 condition in 2016. Moreover, government has collected the pension contribution of these retirees on the basis of maximum of their pay scales. Therefore the demand of Pensioners Associations, including our affiliate, AIBDPA to revise the pension with 15% fitment from 01-01-2017 as per 3rd PRC, delinking wage revision is absolutely right and fully justified. DOT also in the meeting with the Pensioners Associations had agreed to delink the Pension revision from wage revision.

The only disagreement was fitment percentage and DoT finally had assured to reconsider it. The file was processed accordingly and reached to near finality. But eluded settlement, presumably due to the court proceedings by certain pensioners organizations seeking 7th CPC fitment for pension revision. NCCPA is of the opinion that pension revision of BSNL absorbed retirees, already delayed 90 months is not an issue to be left to the uncertainties of court proceedings and the NCCPA and all its Affiliates request the present central government early action for a reasonable out of court settlement.

8. Bank Pensioners denied Updation for decades:-The Bank Pensioners are denied any updation despite the repeated wage agreements to the serving bank employees. The argument of the Government that there is nothing in the original agreement about updation at the time of granting the pension as the third benefit is not tenable. The Bank Pensioners are denied any updation for decades. It is brought to the notice of Government that the Bank Pensioners are not second-class citizens to be treated like this. The reality is that the retired Chief Managers of the Banks are getting less pension than the Peons of the Banks who retire recently. The main reason is not granting any updation like the CG Pensioners in CCS(Pension)Rules who are brought to the notional wages in the Pay Matrix of the recent CPC and fixed the Pension. There is no justification to continue the stand of the Government. NCCPA and its affiliates urge the new Government to revise its stand and grant updation of pension to the bank pensioners.

9. Commutation of pension period: -At present for 15 years period the recovery against commutation of pension is continuing. The 5th CPC had recommended for reducing this period to 12 years. Even the Judicial National Commission appointed by the Supreme Court had recommended for reducing the period to 12 years. The interest rate fixed by the RBI has gone down. The mortality risk factor is also reduced and as per the Institute of Actuaries the mortality risk factor has 41% reduced now. It is a fact that at present the recovery is completed before 12 years and the recovery continue to be made in 13th to 15th year are clearly in excess. Many State Governments like Kerala, Andhra Pradesh, Gujarat have already reduced the period of commutation less than 15 years despite their financial problems. Many Courts in different states issued order / direction to stop recovery of Commuted amount after 10.8 yrs. The words of Minister of State of DOPT in Parliament on 21.12.2022 that the matter of restoring the commuted pension has been referred to the Finance Department should not be forgotten. NCCPA and its Affiliates are pointing out that it is high time that the Central Government also come forward to reduce the period of commutation of pension recovery like some State Governments in our country.

10. Grant of Notional Increment to 30th June and 31st December retirees: -Many Courts including the Supreme Court had directed that notional increment to be granted and pension refixed for the 30th June and 31st December retirees. These pensioners work yearlong and for the convenience of Government only the date of increments was changed into 1st July and 1st January after 1.1.2006 and 1.1.2016 respectively for easy accounting purposes. There is no justification to deny the benefit in the name of fundamental rules to CG Employees. It is pertinent to point out that some State Governments like Tamil Nadu had already amended the FR of State Government Employees to grant the notional increments. The OMs issued by various departments of the Central Government differs funnily whereby some grant the facility to all, while some other grant from the date of Judgement, while others restrict it to litigants. The DOPT is not coming forward to release its own OM. The Chairman of SCOVA also desired and directed the DOPT to consult the Attorney General early in the matter.

NCCPA and its Affiliates request the Government to early change the FR of Central Government Employees also to grant the notional increment to all retired and retiring on 30th June and 31st December.

11. Grant of Additional Pension as and when a Pensioner enters 80 years of age:

The Honourable Courts including the Supreme Court had ruled that additional pension of 20% should be granted to pensioners as and when they enter in their 80th year of age. The Government's interpretation of completing the age of 80 as attaining the age was not acceptable to courts. Moreover, the Government had gone to Parliament to revise the FR for Judiciary to deny the benefit of Guwahati High Court verdict to Judiciary. After the High Court and Supreme Court judgments the relevant sub rule 6 of 44 and sub rule (3) (a) of 50 CCS Pension Rules 2021 needs amendment. It is therefore pertinent to grant the additional pension as and when a pensioner enters the age of 80. NCCPA and its affiliates request the Central Government to amend the FR of CG Employees so that they are made eligible to receive the additional pension as and when they enter their 80th year of age.

12. Additional Pension from 65 years of age:- The Parliament Standing Committee has recommended that the additional Pension may be granted from attaining the age of 65 instead of granting on attaining the age of 80. The recommendation says that on attaining 65 the additional pension @ 5%; on 70 it should be 10%; on 75 it should be 15% and when they attain 80 years the additional pension can be 20% and so on. The Pensioner should enjoy the additional pension as the inflation is robbing the pensioners this happiness. The Government should keep the pensioners at the same living standard as they were under service. Grant of additional pension from the age of 65 can be a step towards this end. The Government should not argue that the expenditure is more as it did not hesitate to reduce the burden of Corporates by canceling the huge debts due to nationalized banks. NCCPA and its affiliates therefore urge for grant of additional pension from the age of 65 onwards.

13. Frame Recognition Rules to Pensioners Associations: -There are no rules of recognition to Pensioners Associations at present like the service unions which are recognized either under CCS (RSA) Rules, 1993 or under the Indian Trade Union Act etc. Selection therefore to SCOVA and Pensioners Portal are made at the whims and fancies of Government. The members selected to SCOVA also not in a position to raise subjects on their own as the Government selects the subjects. There are no statutory rights to the forum of SCOVA also like the JCM National Council in which the members have the right to raise subjects of their choice and on disagreement enjoy the right of arbitration etc. To put it mildly, this is not desirable in a democracy. NCCPA and its Affiliates request the Government to initiate talks with all stakeholders to frame rules of recognition to all-India and State level Pensioners Associations.

14. Formation of National Litigation Policy: -Most of the cases filed in different courts against the employees and pensioners are by the Government at the Centre, State Governments and the Public Sector Undertakings. The Supreme Court had revealed this information. Accordingly, the Central Government in 2010 had tried to frame a 'National Litigation Policy 2010' but given up. A National Litigation Policy 2015 was in the air but not seen the light of the day. Now we are in 2024 but there is no National Litigation Policy by the Central Government. The result is that the number of cases against the employees and pensioners are on the increase by the Official Side.

More over the trend that calling the Judgments as “In Personam” and not as “In Rem” even when the case covers most of the similarly placed is not at all justified. Dragging poor pensioners to courts at their old age is also not at all justified. NCCPA and its Affiliates request for early framing of appropriate ‘National Litigation Policy’ to not to drag each and every pensioner to different courts at their old age.

Hope and Trust that these issues will be settled early by the New Government so that the senior citizens in the country feel a sigh of relief.

Thanking you Sir,

Yours faithfully.



(D.K.Debnath)
General Secretary
AIPRPA