

BHARAT SANCHAR NIGAM LIMITED
(Government of India Enterprise)
(PENSION SECTION)
Bharat Sanchar Bhawan, Janpath,
New Delhi – 110001.

No.40-33/2011-Pen(B)

Date: 04.1.2012

To

All Heads of Telecom Circles/Districts/Regions/Projects/
Telecom Stores/Factories and Other Administrative Offices,
Bharat Sanchar Nigam Limited.

Sub: Admissibility of full pension after 10 years of qualifying service in Govt. – Clarification reg.


Sir,

I am directed to state that the matter of admissibility of pension after 10 years of qualifying service to the Govt. servant selected / appointed on immediate absorption basis in CPSU was taken up with the DoT.

2. In this regard, a copy of clarificatory letter No.A-11013/33/2011-Abs.Cell dated 28th November, 2011 received from the DoT is attached herewith.

Encl: as above.

Yours faithfully,


04.1.2012
(A. Sinha)

Asstt. General Manager (Pen & TE)
Tele:23727886

Copy to:

- (1) PPS to CMD, BSNL.
- (2) Sr.PPS/PPS to Dirs. HR/Enterprises/CFA/CM/Fin, BSNL Board.
- (3) All EDs, BSNL.
- (4) All PGMs/Sr.GMs/GMs.
- (5) Guard File
- (6) BSNL Intranet.

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No.40-33/2011-Pen(B)
Bharat Sanchar Nigam Limited
(A Government of India Enterprise)
5th floor, Bharat Sanchar Bhawan,
Janpath, New Delhi -110 001

Date: 24.11.2011

To

Joint Secretary (T),
Department of Telecommunications,
Third Floor, Sanchar Bhawan,
20, Ashoka Road,
New Delhi – 110 001.

Sub: Admissibility of full pension after 10 years of qualifying service in Govt. - Clarification reg.

Sir,

In connection with the above mentioned subject, the following is brought to your kind notice:

2. As per para 5.3 of Deptt. of P&PW O.M. No.38/37/08-P&PW dated 2.9.2008:

'In cases where Govt. servant becomes entitled to pension on completion of 10 years of qualifying service in accordance with Rule 49 (2) of the CCS (Pension) Rules, 1972, pension shall be paid at 50% of the emolument of average emoluments received during the last 10 months, whichever is more beneficial to him'.

3. The Rule 49(2) (b) states that:

'In the case of a Govt. servant retiring in accordance with the provisions of these rules before completing qualifying service of thirty-three years, but after completing qualifying service of ten years, the amount of pension shall be proportionate to the amount of pension admissible under Clause (a) and in no case the amount of pension shall be less than Rupees Three thousand five hundred per mensem'.

4. Vide OM No.40-08/2011-Pen (T) dated 8.7.2011, DoT has clarified, inter-alia, that '... any one retiring in terms of CCS Pension Rules, 1972 shall also be eligible for pensionary benefits as per revised rule 49. The revised rule 49 has no provision of pro-rata pension....'

5. Rule 37(1) of CCS Pension Rules, 1972 inter-alia, states that:

'A govt. servant who has been permitted to be absorbed in a service or post in or under a Corporation or Company wholly or substantially owned or controlled by the Central Govt. or, shall be deemed to have retired from service from the date of such absorption and he shall be eligible to receive retirement benefits if any, from such date as may be determined, in accordance with the orders of the Central Govt. applicable to him.'

6. GID (8) under Rule 26 states that:

'A govt. servant who has been selected for a post in Central Public Enterprise ... may be released only after obtaining and accepting his resignation from the govt. service In such cases, the govt. servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement/terminal benefits as admissible under the relevant rules applicable to him in his parent organisation.'

7. GID (9) under Rule 26 states that 'In cases where govt. servants apply for posts in the same or other departments through proper channel and on selection, they are asked to resign the previous posts for administrative reasons, the benefit of past service may, if otherwise admissible under rules, be given for purposes of fixation of pay in the new post treating the resignation as a 'technical formality'.'

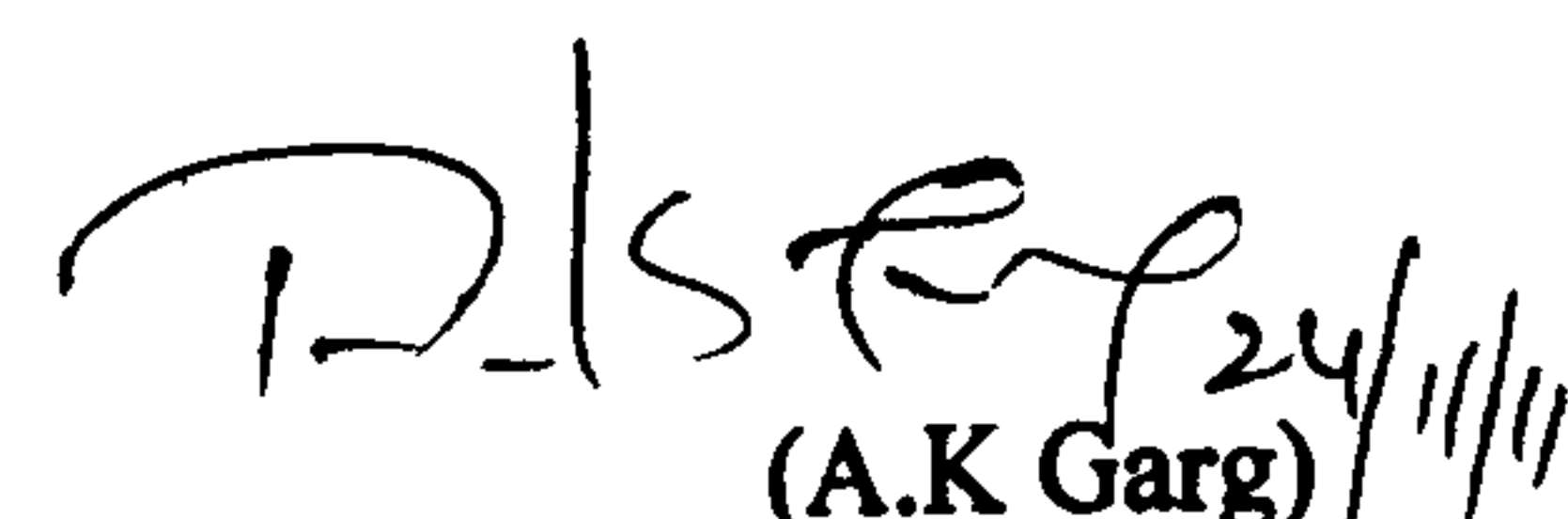
8. BSNL is in the process of recruitment at various levels. Clarification has been asked by certain ITS Officers who have completed more than 10 years of regular service but less than 20 years of service, that in case they join BSNL after their selection through the recruitment process proposed to be initiated by BSNL, as to whether they will get full pension i.e., 50% of their last month salary, etc. in case they join BSNL after tendering technical resignation from Govt. Service.

9. BSNL is of the view that in the above situation, full pension is payable.

10. As such, I request the DoT to clarify the position on the above issue which will encourage and facilitate the joining of more number of young ITS officers in BSNL.

Hoping for a positive response from your end.

Yours faithfully,


(A.K Garg)
Director (HR)

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IMMEDIATE

No. A-11013/33/2011-Abs. Cell
Government of India
Ministry of Communications & IT
Department of Telecommunications
(Absorption Cell)

Ashoka Road, Sanchar Bhawan, New Delhi


28th
Dated: November, 2011

OFFICE MEMORANDUM

Subject : Admissibility of full pension after 10 years of qualifying service
in Government - clarification - regarding.

The undersigned is directed to invite a reference to BSNL letter no. 40-33/2011-Pension (B) dated 24th November, 2011 on the subject noted above and to enclose a copy of DoP&T OM No. 38/80/2008-P&PW (A)(Pt.II) dated 8th June, 2011 whereby certain amendments to CCS (Pension) Rules, 1972 have been notified. Attention in particular is invited to para 6 of the aforesaid notification dated 8th June, 2011 amending rule 49 of the CCS (Pension) Rules, 1972.

2. This issues with the approval of Additional Secretary (IT)


(L N Anshu)
Director (PSA)
Tel. 2303 6023

To

Director (HR)
(Kind attn : Shri A K Garg)
Bharat Sanchar Nigam Limited
5th Floor, Bharat Sanchar Bhawan
Janpath, New Delhi-110001

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By Speed Post

No. 38/80/2008-P&PW (A) (Part II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Pension and Pensioners' Welfare

3rd Floor, Lok Nayak Bhavan
Khan Market, New Delhi-110003
Dated: 8th June, 2011

To

The Manager,
Govt. of India Press,
Mayapuri, Ring Road,
New Delhi 110064


Subject: Amendment to CCS (Pension) Rules, 1972 – Notification regarding.

Sir,

I am to forward herewith a copy of Notification in duplicate (English & Hindi version) on the above subject and to request that the same may be published in the Gazette of India, Part II, Section 3, sub-section (ii).

2. It is further requested that 100 spare copies of the Printed version of the Notification may kindly be sent to this Department.

Encl: As above.

Yours faithfully,

(Tripti P. Ghosh)
Director
Telefax: 24624802

Copy to:

1. All Ministries/Departments of the Government of India as per standard distribution list.
2. President's Secretariat, Vice President's Secretariat, Prime Minister's Office, Cabinet Secretariat, Supreme Court of India, C&AG, UPSC, etc.


(Tripti P. Ghosh)
Director

5/18

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Pension and Pensioners' Welfare

NOTIFICATION

New Delhi, dated the 8th June, 2011

G.S.R.....In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:-

1. (1) These rules may be called the Central Civil Services (Pension) Amendment Rules, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Pension) Rules, 1972,-

(1) in rule 8, in sub-rule (1), in the proviso, for the words "rupees three hundred and seventy five", the words "rupees three thousand five hundred" shall be substituted;

(2) in rule 9, in sub-rule (1), in the second proviso for the words "rupees three hundred and seventy-five", the words "rupees three thousand five hundred" shall be substituted;

(3) in rule 38, in sub-rule (2), in clause (a), for the words "two thousand and two hundred rupees", the words "twenty one thousand rupees" shall be substituted;

(4) in rule 40, in sub-rule (3), for the words "rupees three hundred and seventy-five per mensem", the words "rupees three thousand five hundred per mensem" shall be substituted;

(5) in rule 41, in sub-rule (2), for the words "rupees three hundred and seventy-five per mensem", the words "rupees three thousand five hundred per mensem" shall be substituted;

(6) in rule 49,-

(a) after sub - rule (1), the following shall be inserted, namely:--

"(1A) The dearness allowance admissible on the date of retirement shall also be treated as emoluments for the purpose of sub-rule(1).";

(b) for sub-rule (2), the following shall be substituted, namely;--

(2) In the case of a Government servant retiring in accordance with the provisions of these rules after completing the qualifying service of not less than ten years, the amount of pension shall be calculated at fifty per cent of emoluments or average emoluments, whichever is more beneficial to him, subject to a minimum of three thousand and five hundred rupees per mensem and a maximum of forty-five thousand rupees per mensem.

(2A) In addition to pension admissible in accordance with sub-rule (2), after completion of eighty years of age or above, additional pension shall be payable to the retired Government servant in the following manner:-

Age of pensioner	Additional pension
From 80 years to less than 85 years	20% of basic pension.
From 85 years to less than 90 years	30% of basic pension.
From 90 years to less than 95 years	40% of basic pension.
From 95 years to less than 100 years	50% of basic pension.
100 years or more	100% of basic pension.” ;

(c) in sub-rule (4), the words, brackets and letters “clause (a) or clause (b) of” shall be omitted;

(7) in rule 50, -

(a) in sub-rule (1), in the first proviso, for the words “two lakh and fifty thousand rupees”, the words “ten lakh rupees” shall be substituted;

(b) in sub-rule (5), after the proviso, the following proviso shall be inserted, namely;--

“Provided further that the dearness allowance admissible on the date of retirement or death, as the case may be, shall also be treated as emoluments for the purpose of this rule.”;

(8) in rule 51, in sub-rule (1), in clause (b),-

(a) in sub-clause (i), for the words, brackets and letters “clauses (i),(ii),(iii) and (iv)”, the words brackets and letters “clauses (i),(ii),(iii),(iv) and (v)” shall be substituted;

(b) in sub-clause (ii), for the words, brackets and letters “clauses (v),(vi),(vii),(viii),(ix),(x) and (xi)”, the words brackets and letters “clauses (vi),(vii),(viii),(ix),(x) and (xi)” shall be substituted;

(9) in rule 54,-

(a) for sub-rule (2), the following shall be substituted, namely:--

"(2) Subject to the provisions of sub-rule 13-B and without prejudice to the provisions contained in sub-rule (3), where a Government servant dies -

(i) after completion of one year of continuous service; or

(ii) before completion of one year of continuous service, provided the deceased Government servant concerned immediately prior to his appointment to the service or post was examined by the appropriate medical authority and declared fit by that authority for Government service ; or

(iii) after retirement from service and was on the date of death in receipt of a pension, or compassionate allowance, referred to in these rules,

the family of the deceased shall be entitled to Family Pension (hereinafter in this rule referred to as family pension) under the Family Pension Scheme for Central Government Employees, 1964, the amount of which shall be determined at a uniform rate of 30% of basic pay subject to a minimum of three thousand and five hundred rupees per mensem and a maximum of twenty-seven thousand rupees per mensem.

EXPLANATION. - The expression 'one year of continuous service' wherever it occurs in this rule shall be construed to include 'less than one year of continuous service' as defined in clause (ii).";

(b) after sub-rule (2A), the following shall be inserted, namely:--

“(2B) In addition to family pension admissible in accordance with sub-rules (2), (2A) and (3), after completion of eighty years of age or above, additional family pension shall be payable in the following manner:-

Age of family pensioner	Additional family pension
From 80 years to less than 85 years	20% of basic family pension.
From 85 years to less than 90 years	30% of basic family pension.
From 90 years to less than 95 years	40% of basic family pension.
From 95 years to less than 100 years	50% of basic family pension.
100 years or more	100% of basic family pension" ;

(c) in sub-rule (3), for clause (a), the following shall be substituted, namely:-

"(a) (i) Where a Government servant, who is not governed by the Workmen's Compensation Act, 1923 (8 of 1923), dies while in service after having rendered not less than seven years' continuous service, the rate of family pension payable to the family shall be equal to 50 per cent of the pay last drawn and the amount so admissible shall be payable from the date following the date of death of the Government servant for a period of ten years.

(ii) In the event of death of a Government servant after retirement, the family pension as determined under sub-clause (i) shall be payable for a period of seven years, or for a period up to the date on which the retired deceased Government servant would have attained the age of 67 years had he survived, whichever is less:

Provided that in no case the amount of family pension determined under sub-clause (ii) shall exceed the pension authorised on retirement from Government service :

Provided further that where the amount of pension authorised on retirement is less than the amount of family pension admissible under sub-rule (2), the amount of family pension determined under this clause shall be limited to the amount of family pension admissible under sub-rule (2).

EXPLANATION. - For the purpose of this sub-clause, pension authorised on retirement includes the part of the pension which the retired Government servant may have commuted before death.”;

(d) for sub-rule (4), the following shall be substituted, namely;--

“(4) Where an award under the Central Civil Services (Extraordinary Pension) Rules 1939, is admissible, no family pension under this rule shall be authorised during the currency of award.”;

(e) for sub-rule (6), the following shall be substituted, namely:-

“(6) The period for which family pension is payable shall be as follows:-

(i) subject to first proviso, in the case of a widow or widower, up to the date of death or re-marriage, whichever is earlier;

(ii) subject to second proviso, in the case of an unmarried son, until he attains the age of twenty-five years or until he gets married or until he starts earning his livelihood, whichever is the earliest;

(iii) subject to second and third provisos, in the case of an unmarried or widowed or divorced daughter, until she gets married or remarried or until she starts earning her livelihood, whichever is earlier;

(iv) subject to sub-rule (10-A), in the case of parents, who were wholly dependent on the Government servant immediately before the death of the Government servant, for life;

(v) Subject to sub-rule 10(B) and the fourth proviso, in the case of disabled siblings (i.e. brother and sister) who were dependent on the

Government Servant immediately before the death of Government servant, for life:

Provided that family pension shall continue to be payable to a childless widow on re-marriage, if her income from all other sources is less than the amount of minimum family pension under sub-rule (2) of this rule and the dearness relief admissible thereon:

Provided further that if the son or daughter of a Government servant is suffering from any disorder or disability of mind including the mentally retarded or is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of twenty-five years, the family pension shall be payable to such son or daughter for life subject to the following conditions, namely :-

(i) if such son or daughter is one among two or more children of the Government servant, the family pension shall be initially payable to the minor children (mentioned in clause (ii) or clause (iii) of this sub-rule) in the order set out in clause (iii) of sub-rule (8) of this rule until the last child attains the age of twenty-five and thereafter the family pension shall be resumed in favour of the son or daughter suffering from disorder or disability of mind, including the mentally retarded, or who is physically crippled or disabled and shall be payable to him or her, for life ;

(ii) if there are more than one such children suffering from disorder or disability of mind including the mentally retarded or who are physically crippled or disabled, the family pension shall be paid in the order of their birth and the younger of them will get the family pension only after the elder next above him or her ceases to be eligible :

Provided that where the family pension is payable to such twin children it shall be paid in the manner set out in clause (d) of sub-rule (7) of this rule;

(iii) the family pension shall be paid to such son or daughter through the guardian as if he or she were a minor except in the case of the physically crippled son or daughter who has attained the age of majority ;

(iv) before allowing the family pension for life to any such son or daughter, the appointing authority shall satisfy that the handicap is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from a Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the Institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of mental or physical disability including mental retardation setting out, as far as possible, the exact mental or physical condition of the child;

(v) the person receiving the family pension as guardian of such son or daughter or such son or daughter not receiving the family pension through a guardian shall produce a certificate, from a Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the Institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of mental or physical disability including mental retardation, once, if the disability is permanent and if the disability is temporary, once in every five years to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled;

(vi) in the case of a mentally retarded son or daughter, the family pension shall be payable to a person nominated by the Government servant or the pensioner, as the case may be, and in case no such nomination has been furnished to the Head of Office by such Government servant or pensioner during his lifetime, to the person

