

**APPLICABILITY OF JUDGMENTS OF PRINCIPAL BENCH, CENTRAL
ADMINISTRATIVE TRIBUNAL TO ALLOW FULL PENSION TO POST-2006
PENSIONERS WITH 10/20 YEARS OF SERVICE**

These judgments apply to BSNL pensioners also. BSNL Pensioners are covered under CCS (Pension) Rules 1972. Therefore whatever may be the modifications/amendments in CCS (Pension) Rules, and any judgments of Hon'ble. Courts with respect to CCS (Pension) Rules 1972 are given effect to by the Government, these are equally applicable to absorbed BSNL pensioners.

Prior to 01/01/2006, the eligibility for full pension was only for 33 years of service and those who had less than 33 years of service were allowed pro rata pension. But with effect from 01/01/2006, the concept of pro rata pension was dispensed with and full pension of 50% of last pay drawn or average of last 10 months pay (whichever is beneficial) was allowed. In case of superannuation, since the minimum service for pension is 10 years, full pension was allowed at 10 years of service. The VRS in Central Government is available at 20 years of service. In cases of absorption (like BSNL absorbed), VRS with 10 years of combined service is allowed. So full pension for retirement on VRS with 10 years of service was allowed for BSNL pensioners (This was the issue taken by us from our association - see our website dated 21-03-2011 and 11-08-2011). But this applied only in cases of those who retired on or after 01/01/2006 i.e. the date when 6th CPC came into effect. This was not allowed for those who retired prior 01/01/2006. Since BSNL pensioners are also covered under CCS Pension Rules, same was the position with the BSNL pensioners also.

But by these judgements, the Principal Bench of CAT has ordered that in this matter there should not be any discrimination between pre-2006 and post-2006 pensioners, since the Rules for pension cannot be changed for full pension to apply only for a set of pensioners with a cutoff date fixed arbitrarily. Therefore, as per the judgment, the full pension for 10/20 years of service is to be applied to Central Govt. pensioners. Since the condition of minimum service for eligibility of pension and that no provision for pro rata pension are as per Rule 49 of CCS (Pension) Rules, this judgment passed also applies to BSNL pensioners.

However, we cannot say whether the Government would appeal against this CAT Order in Hon'ble High Court or Supreme Court. In the judgment dated 22/01/2016 itself at Para 6 (iii), the Government Counsel had stated that there is a case in Hon'ble High Court.

Therefore, if the Principal CAT New Delhi judgments dated 21/04/2015 and 22/01/2016 are given effect to and if DoP&PW issues an order, then BSNL pensioners who retired prior to 01/01/2006 with a minimum service of 10 years would also get full pension even if they had served less than 33 years. This would apply on retirement on superannuation or VRS.