

Govt.of India  
Ministry of Communications & Information Technology  
Department of Telecommunication, 20,Sanchar Bhavan,Ashok Road,  
New Delhi-110001

No.34-34/2004-Pen(T)

Dated: 10/10/2005

To,

1. All CCAs
2. The CMD, MTNL/BSNL

**Sub: Granting of BCR Grade IV promotion to retired officials with retrospective date-  
Reckoning of notional pay for pensionary benefits.**

Kindly refer to letter No.22-6/94-TE-II (Vol.II) dated 29.10.2002 from BSNL on the above subject granting the benefit of promotion to the retired Grade IV officials with retrospective effect in accordance with the revised procedure laid down in letter No.22-6/94-TE.II dated 13.12.95 on the basis of their seniority in the basic grade and to further fix the pay of such officials notionally & to revise the pension accordingly.


2. In this context clarification were sought by various DoT units as to whether the pay fixed notionally ( and not actually drawn) could be treated as emoluments in view of Rule 33 of CCS(Pension) Rules, 1972.

3. The case was examined in consultation with Department of Pension & PW. Under Rule 33 & 34 of CCS(Pension) Rules, 1972, <sup>pension</sup> is not admissible on notional pay. Therefore it will not be correct to revise pension on the basis of notional pay. It has also been decided that similar cases of notional fixation of pay/pension should be contested by DOT in future whenever such cases are challenged in court and appeal may be filed in higher court in time wherever required and no relaxation of Rule be requested in such cases. Strict compliance to this should be ensured by BSNL officers in respect of above clarification.

4. CMD MTNL/BSNL is requested to bring the above clarification to the notice of all concerned working under them under intimation to Directorate.

5. CCA Units etc. are also requested to take necessary action on the basis of the above clarification.

5. This issues with the concurrence of Finance Branch vide their Dy. No.812/ADG(F)/05 dated 27.10.05.

  
(P.Muraleedharan)  
Under Secretary(STP)  
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