

FORUM OF MTNL UNION AND ASSOCIATIONS

T-28A, Atul Grove Road, New Delhi-110001

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MS-54/FORUM/2025/05

Dated-24.02.2025

To,

The Regional Provident Fund Commissioner,
Employees' Provident Fund Organization,
Delhi Regional Office

Sub: **Unjust Rejection of Higher Pension Applications of MTNL Employees – Request for Reconsideration**

Respected Sir,

We, the Forum of MTNL Unions and Associations, are writing to bring to your urgent attention the unjust rejection of higher pension applications submitted by MTNL employees and retirees. These applications were filed in accordance with the Hon'ble Supreme Court's landmark judgment dated 04-11-2022, which allowed employees to opt for a higher pension based on their actual wages. The rejection of these applications, citing MTNL's status as an exempted trust and the absence of rule amendments, is both legally untenable and contrary to the spirit of the Supreme Court's ruling. We respectfully request your reconsideration of this matter for the following reasons:

- 1. Supreme Court Judgment Applies to Both Exempted and Unexempted Establishments:**
 - a. The Hon'ble Supreme Court's judgment explicitly permits employees of both exempted and unexempted establishments to exercise the option for a higher pension. The ruling does not impose any condition requiring exempted trusts to amend their rules as a prerequisite for granting higher pensions.
 - b. Moreover, in the case of MTNL, no such trust existed at the time of the judgment, making the requirement for rule amendments irrelevant.
- 2. Background of MTNL's EPF Trust Status:**
 - a. MTNL had been operating its EPF Trust under the relaxation granted under Para 79 of the EPF Scheme, 1952, with code DL/8444. However, due to consecutive financial losses incurred by MTNL from 2009 to 2012, the RPFO invoked Condition 25 of Appendix A under Para 27-AA and issued a show-cause notice on 30-11-2012.
 - b. Following MTNL's inadequate response, the RPFO withdrew the relaxation vide letter dated 11-01-2013, directing MTNL to:
 - i. Transfer all PF accumulations to RPFC, Delhi (North) along with membership details.
 - ii. Comply as an un-exempted establishment effective from 31-01-2013.
 - c. This position was reaffirmed by EPFO's communication dated 19-03-2020, which clarified that MTNL must function as an un-exempted establishment from 31-01-2013 and transfer all accumulations accordingly.
 - d. In light of this, the rejection of higher pension applications on the grounds of MTNL's exempted trust status is not only legally flawed but also disregards the factual and legal position established by the RPFO itself.

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3. Arbitrary Denial of Rights:

- a. The denial of the higher pension option to MTNL employees and retirees, without any legal basis, constitutes an arbitrary deprivation of their legitimate rights. This action is in direct contradiction to the Hon'ble Supreme Court's directives and sets a harmful precedent that undermines the rights of employees.

Our Demands:

In view of the above, we respectfully urge the EPFO to:

1. Reconsider and approve the higher pension applications of MTNL employees and retirees in line with the Hon'ble Supreme Court's judgment.
2. Withdraw the unjust rejection orders and grant rightful pension benefits to all eligible employees.

We kindly request your immediate intervention to resolve this matter and ensure that the rights of MTNL employees and retirees are upheld. Additionally, we seek an appointment with your office to discuss this issue in detail and work towards a fair and just resolution.

Thank you for your attention to this matter. We look forward to your prompt response and cooperation.

Enclosures:

1. Copy of the Hon'ble Supreme Court's judgment dated 04-11-2022.
2. Relevant communications from RPFO regarding MTNL's EPF Trust status.

Yours sincerely,



V.K. TOMAR
(Chairman & Genl. Secy. (MEA))



DHARM RAJ SINGH
(Convener & Genl. Secy. (MTNL-MS))

Copy to:

1. Director (HR) MTNL
2. CPFC, HQ, New Delhi
3. General Secretary, Bhartiya Mazdoor Sangh