

**ALL INDIA
BHARAT SANCHAR NIGAM LIMITED
EXECUTIVES' ASSOCIATION**



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No. AIBSNLEA/CHQ/Dir(HR)/2020/

Date: 14.07.2020.

To

Shri. Arvind Vadnerkar,
Director (HR), BSNL Board,
New Delhi -110 001.

Sub: Request for issuance of Clarification regarding Non-recovery of Pay & Allowances already paid to the Ex.-Officiating JTOs in pursuance to the Judgment from Hon'ble Supreme Court of India- reg.

Ref: 1. AGM (Estt-I) BSNL CO Lr. No. 1-06/2016-PAT(BSNL) date 01.05.2019
2. AGM (Estt-IV) BSNL CO Lr. No. 3-08/2010-Estt-IV date 03.06.2018
3. Hon'ble Supreme Court Order in CA No. 11527 of 2014

Respected Sir,

We would like to draw your kind attention on the above cited subject. In this regard, AIBSNLEA earlier letter dated 18.06.2020 may kindly be referred to, wherein we have requested the BSNL Management that the clarification regarding Non-recovery of Over/Excess payment paid to the Ex. Officiating JTOs, opted for VRS, with reference to the Hon'ble Supreme Court Judgment has to be scrupulously followed.

In this regard, it is pertinent to mention that the Hon'ble Supreme Court ordered in CA No 11527 of 2014 (State of Punjab & others Vs Rafiq Masih) that: -

(iii)"Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued."

The same judgment was endorsed by the Establish Branch of BSNL Corporate Office to all field units vide above cited reference under (1).

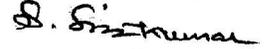
Sir, the above said instructions of BSNL Corporate Office and Hon'ble Supreme Court Judgment [Sr. No. (iii)] has not been followed strictly by most of the Circles i.e. Kerala, Madhya Pradesh, Tamilnadu, Kolkata TD etc.; to our surprise lakhs of Rupees have been recovered from the Ex-gratia Payment made to the Ex-officiating JTOs who have

gone on VRS under the Scheme of BSNL VRS-2019, in the name of excess payment. It is not fair on the part of the BSNL Circle Management to recover the said excess payment made to the Ex-officiating JTOs (who have gone on VRS) after 10 years in a biased manner, which is against the Law and clear deviation from the Hon'ble Supreme Court Judgment as well as BSNL CO instructions vide the above cited reference under (i).

Sir, in view of the foregoing facts, we would request your good self to kindly intervene in the matter and cause to issue necessary instructions to the officers concerned for issuance of clarification in this regard with reference to the above said Hon'ble Supreme Court judgment to all CGMs.

With kind regards,

Yours Sincerely,



(S.Sivakumar)

General Secretary

Copy for kind information and necessary action to:

1. Shri Saurabh Tyagi, Sr.GM (Estt.) BSNL Corporate Office, New Delhi-110001.
2. Shri A.M. Gupta, GM (SR) BSNL Corporate Office, New Delhi- 110001.