



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

Central Headquarters
111, New Ashiana Apartments, Plot-10, Sector-6, Dwarka
New Delhi-110 075

E-mail : gensecaibsnlrea@yahoo.com

President : V. Chinnappiah

Ph.: 044-22453300
(M) 09444003300

General Secretary : S. Basu

Ph : 011-25073969
(M) 09868092995

Financial Secretary : Hari Ram

Ph.: 011-25075541
(M) 09868538189

No. AIBSNLREA/CHQ/2018/01

Dated: 03.01.2018

To

Smt. Sujata Ray,
Director (HR),
Bharat Sanchar Nigam Limited,
New Delhi.

Sub: Settlement of cases for waiver of recovery of excess/wrongful payments made to BSNL employees– Undue delay in settlement of the cases by BSNL, Tamilnadu Telecom Circle

Ref: BSNL letter No.1-06/2016-PAT (BSNL) dated 9.9.2016

Madam,

We would like to submit that DoP&T, vide its OM No.18/03/2015-Estt (Pay-I) dated 2.3.2016, had issued detailed instructions for waiver of recovery of excess/wrongful payment pursuant to the decision dated 18.12.2014 of the Hon'ble Supreme Court in the case of State of Punjab & Others vs Rafiq Masih (White Washer) etc. in CA No.11527 of 2014 (arising out of SLP @ no. 11684 of 2012).

2. In order to implement these instructions, BSNL Corporate Office, vide its letter No. 1-06/2016-PAT (BSNL) dated 9.9.2016, issued further instructions that wherever waiver of recovery is considered necessary in the light of the decision of Hon'ble Supreme Court, the proposal may be sent to DoT through the concerned cadre controlling branch in BSNL Corporate Office giving full justification and expenditure involved along with recommendation of HOC and IFA.

3. Now, after consuming more than a year to process such cases, Tamilnadu Telecom Circle has recently forwarded cases of nine (9) retired BSNL Executives who were promoted before 1.10.2000 and had opted for fixation of pay from the date of next increment falling after 1.10.2000. Their pay was then fixed under FR 22 I (a) (1). But after long 12/13 years, in the years 2012/2013, the fixation was cancelled based on a DoT letter dated 17.12.2008 and huge amount ranging from Rupees seventy to ninety thousand were recovered from them. These executives, in their representations had clearly mentioned that the waiver be allowed under Para 4(iii) of DoP&T OM No.18/03/2015-Estt (Pay-I) dated 2.3.2016 which states that **"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."**

4. But to our utter surprise, without recommending the cases, CGM Tamilnadu Circle is reported to have sought clarification from Corporate Office as to whether their requests can be accommodated in any one of the 5 situations cited by Hon'ble Supreme court in its above mentioned judgment. When the situation under which the waiver is to be allowed has clearly been quoted from the DoP&T OM No.18/03/2015-Estt (Pay-I) dated 2.3.2016 by the affected retired executives in their respective representations, action of CGMT, Tamilnadu Telecom Circle to seek clarification as to the situation under which the waiver is to be considered is nothing but an attempt to delay settlement of the cases further.

5. We, therefore, request that CGM Tamilnadu Circle may be duly advised to forward the cases of these retired Executives with justification and due recommendation as per your Office Order No. 1-06/2016-PAT (BSNL) dated 9.9.2016, without any further delay.

With kind regards,

Yours sincerely,



(S Basu)
General Secretary

Copy to:

1. Smt Anima Roy,
General Manager (Estt),
BSNL CO, New Delhi
2. Shri Marshall Leo Antony,
Chief General Manager,
Tamilnadu Circle, Chennai.