



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. Chinnappaiah

Ph.: 044-22603300
(M) : 09444003300

General Secretary : S. Basu

Ph.: 011-25073969
(M) 09868092995

Financial Secretary : Hari Ram

Ph.: 011-25075541
(M) 09868538189

No. AIBSNLREA/CHQ/2020/74

Dated: 11.08.2020

To

Shri P K Purwar,
Chairman & Managing Director,
Bharat Sanchar Nigam Limited,
New Delhi 110001.

Sub: Abnormal delay in release of final superannuation Order and regular superannuation pension, DCRG and grant of Commuted Value of Pension, Leave encashment even after conclusion of judicial proceedings on 25.10.2018 to a pensioner retired on 31.07.2014 - Case of Shri M Mathuramani, Retd Sr Accounts Officer, Chennai Telephones (HR No.197500045, Staff No. 89209).

Ref:(1) CAO(FC), CHTD No FC/CHTD/34/2029 dated 16.12.2019 to DGM(SEA), BSNL CO.

(2) DGM(FC), CHTD No FC/CHTD/34/2019-20/36 dated 11.2.2020 to DGM(SEA), BSNL CO

(3) CGMT, CHTD No FC/CHTD/42-3/2020-2021/39 dated 01.07.2020 to PGM(Pers), BSNL

Sir,

We seek your kind intervention in the above-mentioned case so as to expedite issue of final superannuation order on attaining age of superannuation on 31.07.2014, release of final superannuation pension, DCRG, grant of Commuted Value of Pension and leave encashment to the above-named pensioner who retired from service on 31.07.2014.

2. Since there was no response to the letters from Chennai Telephones vide the above referred letters at (1) and (2) addressed to the DGM(SEA), BSNL Corporate Office forwarding the representation of the pensioner to release the final retirement Order and service benefits, the CGMT, Chennai Telephones has addressed a letter as at Ref No (3) above to the Principal General Manager (Pers), BSNL requesting to release final Retirement order and service benefits including retirement benefits based on BSNL CO Lr No. 22-22/20214/VC dated 28.11.2016 and BSNL CO Lr No. 48-7/2018-Pen(B) dated 30.12.2019 to Shri M Mathuramani, Retd Sr Accounts Officer **[Copy of the letter from CGMT, Chennai placed at Annexure-I].**

3. The Pensioner Shri M. Mathuramani, Retd Sr Accounts Officer was earlier working in Gulbarga Telecom District of Karnataka Telecom Circle before his joining and retirement from Chennai Telephones. While working in Gulbarga Telecom District, a case was filed against him and some others vide Case No. CBI 11/2013 in the Court of III Addl. District & Session Judge and Special Court for Lokayukt & CBI at Dharwad. But the Court acquitted all the accused including Shri M Mathuramani, Retd Sr Accounts Officer on 25.10.2018 **[Copy of the relevant pages of the Judgment placed at Annexure-II].** There is no stay on this judgment and the Appeal filed by CBI in higher Court against the judgment is yet to be admitted **[Copy of the letter from GM(Vigilance), Karnataka to GMTD, Gulbarga placed at Annexure-III]**

4. Further, as per the Orders issued by Bharat Sanchar Nigam Limited, vide its No. 49-7/2018-Pen (B) dated 30.12.2019, in the matter of release of retirement benefits during pendency of criminal appeal in respect of BSNL absorbed/recruited employees, conveys that as decided by DOT unless there is a stay on the orders of acquittal, a pensioner should not be put to disadvantage. *The Order also quotes the advice from DOP&PW that "if a pensioner is acquitted by a Trial Court, notwithstanding the appeal filed against this acquittal, the fact remains that with the acquittal, the judicial proceedings should be considered to be concluded in accordance with the rules ibid, and Department may take action and issue orders accordingly" [Copy of the Order placed at Annexure-IV]. Thus, even though there is an appeal against acquittal of Shri M Mathuramani, Sr AO and others, he is entitled to get his final superannuation pension and other pensionary benefits.*

5. In fact, this case is similar to the one for which BSNL Corporate Office has recently issued an Order vide its No. BSNL-CO-PRII/11(12)/1/2020-PERS-II dated 21.07.2020 [Copy of the Order placed at Annexure-V] permitting Shri Shrikant B Mohare, Retd Accounts of the same Gulbarga TD of Karnataka Circle, who was also a co-accused in the Case No. Spl. CBI 11/2013 in the Court of III Addl. District & Sessions Judge and Special Judge for Lokayukt & CBI, Dharwad along Shri M Mathuramani, Retd Sr. AO and others, in which all of them were acquitted of the charges on 25.10.2018, to retire and receive all pensionary benefits.

6. In view of the above, we earnestly request you to kindly intervene in the matter, so that necessary Orders are issued at the earliest by BSNL Corporate Office permitting Shri M Mathuramani, Retd Sr Accounts Officer to retire permanently on attaining his age of superannuation on 31.07.2014 and advising Chennai Telephones to immediately release all his retirement benefits and pension, which are overdue.

With kind regards,

Yours sincerely,


(S Basu)

General Secretary

Enclosures: As stated

Copy to:

1. Shri Anshu Prakash,
Secretary (Telecom).
2. Shri Kshatrapati Shivaji,
Secretary (Pension), DOP&PW.
3. Shri Arvind Vadnerkar,
Director (HR), BSNL.
4. Shri V K Sanjeevi,
Chief General Manager Telecom, CHTD.
5. Shri Arun Kumar,
Pr. General Manager (Pers), BSNL.

BHARAT SANCHAR NIGAM LIMITED
(A GOVERNMENT OF INDIA ENTERPRISE)
O/o GENERAL MANAGER (Finance), CHENNAI TELEPHONES
78, PURASAWAKKAM HIGH ROAD, CHENNAI-10.

No.FC/CHTD/42-3/2020-2021/39

Dated at Chennai-10 the 5th .07.2020

Sub: Release of Final Retirement on Superannuation order and all service benefits including retirement benefits - case of Shri M. Mathuramani, Staff No. 89209, Hr.No. 197500045, Sr. AO, CHTD (Permitted Provisionally Retd. on 31.07.2014 A/N) - Reg.

- Ref: 1. BSNL Co No.14-36/2014-SEA-BSNL dt. 31.07.2014 (retired provisionally)
2. Representations received from Shri M Mathuramani, SAO (Retd).
3. CAO (FC) - CHTD Lr.no. FC/CHTD/34/2019-20 dt.16.12.2019
4. DGM (FC) - CHTD Lr.No.FC/CHTD/34/2019-2020/36 dt. 11.02.2020

With reference to the letters cited above, representation dt. 13.12.2019 & 29.01.2020 received from Shri. M. Mathuramani, Staff No. 89209, Hr. No.197500045, SAO (Provisionally Retd. on 31.07.2014 A/N), Chennai Telephones, wherein the retired officer has requested to issue a final retirement order and service benefits including retirement benefits based on BSNL CO Lr.No.22-22/2014/VC dt. 28.11.2016 & BSNL CO Lr.No.48-7/2018 Pen (B) dt. 30-12-2019.

The Officer was provisionally retired on 31.07.2014 A/N, due to VC "WITHHELD" by Vigilance Branch, CO BSNL vide their letter No. 22-09/2013-VA/SEA-Ret-VC2 dt. 30.07.2014. The VC was withheld due to court case of Spl.CBI CC 11/2013 at Dharwad, Gulbarga TD, BSNL Karnataka Circle. The Hon'ble CBI court issued a judgment on 25.10.2018, accused were acquitted for the offences punishable. Their bail bonds and surety bonds stand cancelled.


Vide above reference (3) & (4) of this office Lr. dt. 16.12.2019 & dt. 11.02.2020 are forwarded, wherein the retired officer has Shri. M. Mathuramani, Sr. AO, Staff No. 89209, Hr.No. 197500045, Sr. AO, CHTD requested to issue final retirement order.

Hence, VC and final retirement order of Shri. M. Mathuramani, Sr. AO, Staff No. 89209, Hr.No. 197500045, Sr. AO, CHTD may be released at the earliest.

Encl: A/A

TO

The Pr. General Manager (Pers),
BSNL Corporate Office,
Personnel Branch, 4th Floor
Bharat Sanchar Bhawan,
Janpath,
New Delhi - 110 001.


CHIEF GENERAL MANAGER
BSNL CHENNAI TELEPHONES
वी.के. संजीवी, आई.टी.एस., / V.K. SANJEEVI, IT
मुख्य महाप्रबंधक / Chief General Manager
बी. एस. एन. एस. चेन्नई टेलीफोन्स
BSNL Chennai Telephones
78, पुरसायक्कम हाई रोड / 78, Purasaiwakkam High Road
चेन्नई - 600 010. / Chennai - 600 010.

IN THE COURT OF III ADDL. DISTRICT & SESSIONS JUDGE
(SPECIAL JUDGE FOR LOKAYUKTA & CBI CASES).
AT: DHARWAD

PRESENT

SHRI. H.C.SHAMPRASAD
B.A.L.L.B
III Addl. Dist., & Sessions Judge & Spl.
Judge for Lokayukta & CBI Cases.
Dharwad.

Spl. CBI CC 11/2013.

DATED THIS THE 25th DAY OF OCTOBER, 2018.

Complainant: The State,
By CBI, ACB Branch, Bangalore.

(Represented by Special Public Prosecutor.)

V/s.

- Accused:**
1. Mallinath Muddappa Indur.
Age 55 years, Occ: Telecom Contractor
R/o Shanti Nagar, Gulbarga.
 2. G.P.Biradar,
Age 57 years, Occ: Divisional Engineer, Telecom
R/o Tyagaraj Nagar, Gulbarga.
 3. S. Ganapathi,
Age 61 years, Occ: Asst. General Manager (P)
R/o Jewargi Road, Gulbarga.
 4. M. Siddalingaiah
Age 55 years, Occ: SSO (officiating)
R/o Adarsh Nagar, Gulbarga (DEAD)

W/ 25/18



5. K.Y.Choudhary,
Age 63 years, Occ: Sr. Section Supervisor
R/o Behind Bus Stand, Gulbarga.
6. B.M. Nandagi
Age 57 years, Occ: Sr. Section Supervisor.
R/o Mahalaxmi Nagar, Gulbarga.
7. Sravan Kumar
Age 37 years, Occ: D.G.M. (A & P)
R/o Kanakadas Badavane, Bijapur.
8. S.V. Rojed
Age 46 years, Occ: Sub Divisional Engineer,
R/o Jayanagar, Bangalore.
9. M. Madhuramani
Age 51 years, Occ: Sr. Accounts Officer (Cash)
R/o Eldoms Road, Chennai.
10. I.S. Navali
Age 55 years, Occ: SDE (Planning)
R/o Tyagaraj Nagar, Gulbarga.
11. N.H.Jawalgi
Age: 60 years, Occ: Sub Divisional Engineer,
R/o Janatha Layout, Gulbarga.
12. Venkat Zille
Age 37 years, Occ: Accounts Officer (cash)
Manhalli Road, Bidar.
13. Hanumanthappa Bhimpure
Age 43 years, Occ: Sr. Accountant (Retired)
R/o Bhimnagar, Gulbarga.
14. G.S.Hugar,
Age 45 years, Occ: A.O. (Planning)
R/o M.B. Nagar, Extension, Gulbarga.



15. S.B. Mohre,
Age 52 years, Occ: A.O. (Planning)
R/o BSNL Quarters, Gulbarga.

16. Smt. T. Vimala
Age: 58 years, Occ: Chief Accounts Officer
R/o Trivendrum (DEAD)

(A.1 by Sri. K.M.Shirali, Adv.)
(A.2, 3 & A.5 to 15 by Sri. V.G.Patil, Adv.)

1. Date of commission of offence : During 2003-2004.
2. Date of report of offence : 01.06.2005.
3. Date of arrest of accused : A.1 obtained anticipatory bail
Other accused appeared in response
to the court summons and obtained
bail.
4. Release of the accused on bail : - - - -
5. Name of the complainant : K.Srikrishna.
6. Date of commencement of
recording of evidence : 7.8.2012.
7. Date of closing of evidence : 11.1.2018.
8. Offences complained of : Sections 120-B, 420, 467, 468,
471, 472 IPC R/W Sec. 13(2) R/W
Sec. 13(1) (d) of P. C. Act
9. Opinion of the judge : Accused found not guilty.

①
25/12



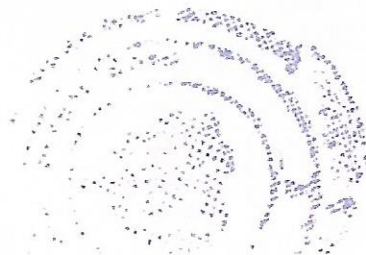
regarding the genuineness of the bills, is not sufficient to call it as a forged bill. Even otherwise, if the bills are forged and signatures are forged, who is the person forged the bills, is not established by the prosecution. Even if there is any lapse on the part of the accused persons, the investigating agency has not presented the same before the court to fix the responsibility of each accused persons. By considering all these things, it is of the considered opinion of the court that the materials available on record are not sufficient to bring home the guilt of the accused persons for the alleged offences. In the result, the prosecution has failed in its attempt and hence the accused are entitled to acquit from the hands of this court. Accordingly, points No.1 to 6 are answered in the negative.

57. Point No.7:- In view of my findings on points No.1 to 6, I proceed to pass the following:

ORDER

Acting U/Sec.235(1) Cr.P.C., accused are acquitted of the offences punishable U/Ss. 120-B, 420, 467, 468, 471, 472 IPC R/W Sec. 13(2) R/W Sec. 13(1) (d) of P.C. Act. Their bail bonds and surety bonds stand cancelled.







भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

2/2

मुख्य महाप्रबंधक दूरसंचार कार्यालय, O/o The Chief General Manager Telecom,
कर्नाटक परिमंडल, Karnataka Circle, सं. 1, स्वामी विवेकानंदा रोड,
No.1, Swamy Vivekananda Rd., हलसूरु Halasuru, बंगलूर/Bengaluru -8
फोन/Ph: 080-25365801 फैक्स/Fax: 080-25309401 email id: dgmvig ktk@bsnl.co.in

To
The AGM(Admn.),
O/o GMTD, Gulbarga - 585 101.

No. Vig/CBI/Mallinath/II/40 dated @ Bangalore-8 the 22.07.2019.

Sub. - Case No.RC19(A)/2005-BLR against Sri Malinath Indur & others.

- Ref 1). your office Lr.no.Q-113/B M Nandagi/CSS/HR No. 197306236/2019-20/38
dtd.03-07-2019.
2) This office Lr.No.VIG/GLB/COMP/II/68 dtd. 09-03-2010.
3) CBI Lr.No.C-9/Present Position/ACB/BLR/2019/145 dtd.07-01-2019.
4) CBI Lr.No.C9/RC 19/05/CBI/ACB/BLR/2019/716 dtd.06-02-2019.
5) CBI Lr.No.C9/RC 19/05/CBI/ACB/BLR/2019/1463 dtd.25-03-2019.
6) CVO,BSNL CO, New Delhi Lr. No.22-22/2014/VC dtd 28-11-2016.

Kindly refer to letter under reference (2) above where in the withholding of VC in respect of sri B M Nandagi, CSS for Superannuation was communicated.

In this regard, find herewith enclosed, copies of the letter under reference (3), (4) & (5) received from CBI, Bangalore where in it is mentioned that the Hon'ble CBI court vide order dated 25-10-2018 has acquitted the accused. CBI has decided and filed criminal appeal No. 100091/2019 before the Hon'ble High Court of Karnataka, Circuit Bench, Dharwad challenging the acquittal order of Hon'ble III Addl. District and sessions judge (special judge for CBI cases), Dharwad and same is pending for admission.

With respect to the instructions contained in the CVO, BSNL CO, New Delhi letter No.22-22/2014/VC dtd.28-11-2016 (reference 6) where in it has been decided by BSNL Vigilance to grant VC to BSNL employees in such cases where the officer has already been acquitted in lower court and criminal appeal / revision against the order of acquittal is pending in higher court.

In view of the above it is informed that VC may be processed and issued at SSA level as the official belongs to SSA cadre.

In case of any updates/changes in the court case status, the same should please be informed to this office immediately too.

22/7/19

महाप्रबंधक (सतर्कता)/ General Manager (Vigilance)
मु म प्र दू का कार्यालय/ O/o the CGMT,
कर्नाटक परिमंडल/KTK Circle,
हलसूरु/-Halasuru, बंगलूर/Bengaluru-8

Corporate Office
Personnel Section, 5th floor
Bharat Sanchar Bhawan
B-1, C. Mathur Lane,
New Delhi-110001



भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

ANNEXURE-IV

9/4

No.48-7/2018-Pen (B)

Dated: 30-12-2019

To

**All Heads of Circles/Telecom Districts/ Regions/Projects/
Telecom Stores/Telecom Factories & Other Administrative Offices
Bharat Sanchar Nigam Limited**

Sub: Release of retirement benefits during pendency of criminal appeal in respect of BSNL absorbed/recruited employees – regarding.


Sir,

I am directed to refer to this Office letter of even no. dated 24/05/2018, vide which the direction of the Administrative Ministry i.e. DOT was conveyed with regard to withholding of DCRG during the pendency of judicial proceedings including criminal appeal/revision in respect of BSNL absorbed employees.

2. Now, this Office has received fresh guidelines from DOT intimating that the position mentioned in the aforesaid letter has been reviewed in consultation with Vigilance Branch of DOT. In this regard, it has been decided by DOT that unless there is a stay on the orders of acquittal, a pensioner should not be put to disadvantage. Accordingly, DOT has decided to go by the advice rendered by Department of Pension and Pensioners' Welfare, wherein it has stated that "if a pensioner is acquitted by a Trial Court, notwithstanding the appeal filed against this acquittal, the fact remains that with the acquittal, the judicial proceedings should be considered to be concluded in accordance with the rules *ibid*, and the Department may take action and issue orders accordingly." Such order may, however, be subject to the outcome of any Appeal/Revision Petition filed against the acquittal and the position may be reviewed by the Department on the outcome of the Appeal/Revision Petition.

3. Accordingly, all Units of BSNL are requested that the similar cases under their respective jurisdiction may be dealt in accordance with the aforesaid revised guidelines issued by DOT.

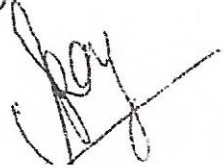
Yours faithfully,

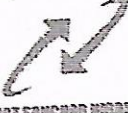

(Rabin Sarkar)

Asstt. General Manager (Estt.-I)
Tele. No. 011-23037477

Copy to :-

1. PS to Dir (HR)/Dir (F)/Dir (Ent.)/Dir (CFA)/Dir (CM), BSNL Board
2. DDG (Estt.), DOT
3. PGMs/Sr. GMs/GMs (Pers./FP/BW/Elect./Arch/Civil), BSNL CO
4. BSNL CO Intranet Portal



 <p>BSNL</p>	<p>BHARAT SANCHAR NIGAM LIMITED (A Government of India Enterprise) CORPORATE OFFICE Personnel Branch 4th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi-110001</p>
---	---

No: BSNLCO-PRII/11(12)/1/2020-PERS-II

Dated: 21.07.2020

ORDER

Sub: Retirement on Superannuation – Executives belonging to Accounts & Finance Service- regarding.

Shri S.B. Mohare, Accounts Officer, Staff No. 89452 (HRMS No. 198008009), belonging to Accounts and Finance service of Karnataka Telecom Circle, is permitted to retire from BSNL services on attaining the age of superannuation w.e.f. 31.08.2016 A/N.

2. He was permitted to retire on superannuation provisionally on 31.08.2016 A/N vide BSNL CO order No. 14-36/2016-SEA-BSNL dated 31.08.2016 as vigilance status of the executive was withheld vide Vigilance branch, BSNL CO letter No. 22-10/2015/Ret-VC 1/SEA/Vol.II dated 26.08.2016.

3. Now vigilance clearance in respect of the above executive is received as GRANTED vide Vigilance Branch, CO BSNL letter No. 22-11/2019/VC 2/ Retirement settlement dated 22.01.2020 for release of final retirement benefits with the remarks that:

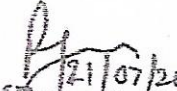
- Note: CBI case No. RC19(A)/2005-BLR was pending.
- CBI Bangalore has informed vide letters 1) No.C-9/Present position/ACB/BLR/2019/145 dtd. 07.01.2019., 2) No. C9/RC 19/05/CBI/ACB/BLR/2019/716 dtd. 06.02.2019., 3) No.C9/RC 19/05/CBI/BLR/2019/1463 dtd. 25.03.2019 that the Hon'ble CBI court vide order dated 25.10.2018 has acquitted the accused. CBI has decided and filed criminal appeal No. 100091/2019 before the Hon'ble High Court of Karnataka, Circuit Bench, Dharwad challenging the acquittal order of Hon'ble III Addl. District and sessions judge (special judge for CBI cases), Dharwad and same is pending for admission.

4. Regarding release of retirement benefits during pendency of criminal appeal in respect of BSNL absorbed / recruited employees, Estt. Branch has issued guidelines vide their letter no.48-7/2018-Pen (B) dated 30.12.2019. Such order may, however, be subject to the outcome of any Appeal/revision petition filed against the acquittal and the position may be reviewed by the department on the outcome of the Appeal/ Revision Petition. Accordingly, an undertaking may be obtained from the executive before releasing the retirement benefits.

5. Retirement benefits and pension in respect of Shri S.B. Mohare, AO, may be regulated in view of para 3 & 4 above and relevant rules on the subject.

5. Government / BSNL dues, if any, outstanding against the executive may be recovered under intimation to this office.

This issues with the approval of the competent authority.


21/07/20
(Pyare Lal)

Assistant General Manager (Pers. II)

Copy to:

- CGM/IFA, Karnataka Telecom Circle, BSNL
- Director (HR)/ CVO, CO BSNL, New Delhi.
- PGM (PERS) / CLO (SCT), CO BSNL, New Delhi.
- The executive (Retd.) concerned through his controlling unit.
- CS to Director (Finance), BSNL, New Delhi
- Office copy / Spare copy / Guard file copy.