



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

Central Headquarters

Registered under Societies Registration Act XXI of 1860 vide Govt. of NCT Delhi No. S/RS/SW/1161/2014
[Registered under Pensioners Portal vide DoP&PW letter No. 4(4)/2021-P&PW(H)7311 dated 04.01.2024]
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No.AIBSNLREA/CHQ/2026/60

Dated: 29th October 2026

To

Dr. T.V.Somanathan,
Cabinet Secretary,
Cabinet Secretariat, Gol,
Seva Teerth,
New Delhi - 110011

Sub: Request for intervention to ensure compliance by Department of Telecommunications with DoP&PW's binding advice and DoLA's legal opinion – case of Shri H.S. Sutaria, Retd. JTO, BSNL Gujarat Telecom Circle

Sir,

We are constrained to seek your kind intervention in a matter where the Department of Telecommunications has been refusing to implement the advice by Department of Pension & Pensioners' Welfare and specific legal opinion by Department of Legal Affairs, in respect of issuing vigilance clearance for issuance of the Presidential Order for absorption in BSNL in the case of Shri H.S. Sutaria, Retd. JTO, BSNL Gujarat Telecom Circle, despite his acquittal by the Hon'ble District & Sessions Court, Surat on 31.05.2010 and despite the fact that the acquittal has not been stayed in the appeal pending before the Hon'ble Gujarat High Court.

2. Shri Sutaria, now 75 years old, has been suffering for nearly fifteen years without his pensionary benefits, even though DoT itself had examined his case and issued orders vide No. I-22-II/2019/VC2/Retirement Settlement dated 20.06.2019 for the "purpose of release of his final retirement benefits." However, pensionary benefits have not been released as DoT Vigilance declined clearance for the purpose of absorption in BSNL vide No. I-22-31/2020/VC3/MISC dated 27.06.2021, even though no judicial or disciplinary proceedings were pending at the time of his retirement and the acquittal continues to remain fully operative.

3. It is deeply disheartening that the rejection of the proposal for issuance of the Presidential Order has reportedly been justified on the basis of a recent Supreme Court judgment in Civil Appeal No. 14669/2025 dated 07.04.2026. **With due respect, we submit that the factual and legal context of that judgment is entirely different from the case of Shri Sutaria. The Supreme Court was dealing with a situation where the appellant was facing simultaneous departmental and judicial proceedings, both arising from identical allegations, and the Court interpreted Rule 69(1)(c) of the CCS (Pension) Rules in that specific context.**

4. **In Shri Sutaria's case, however, neither disciplinary nor judicial proceedings were pending on the date of his retirement.** The judicial proceeding had concluded long before his retirement with his acquittal on 31.05.2010, and the appeal filed thereafter has not resulted in any stay on the acquittal. The trial court's order remains fully operative, and therefore the embargo under Rule 69(1)(c) does not survive. This position is explicitly affirmed by the Department of Pension & Pensioners' Welfare in its advice communicated by DoT itself to BSNL vide Letter No. 40-18/2019-Pen(T) dated 23.10.2019 **[Annexure – A]**, wherein it was 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..."* and that orders may be issued accordingly, subject to review after the outcome of the appeal.

5. We respectfully state that DoT has also disregarded its own precedents in exactly similar cases. In the case of Shri Ram Autar Gautam, DoT vide OM dated 18.07.2019 **[Annexure – B]** conveyed approval for permanent absorption in BSNL subject to the outcome of the criminal appeal, after obtaining an undertaking. Similarly, in the case of Shri Surender Mohan Taneja, DoT vide OM dated 30.05.2019 **[Annexure – C]** approved absorption in BSNL on identical terms. These orders clearly demonstrate that DoT has previously adopted the very approach recommended by DoP&PW, namely, treating judicial proceedings as concluded after acquittal, issuing the Presidential Order, and making it subject to the final outcome of the appeal. Shri Sutaria's case is identical in all material respects, yet he has been denied the same relief.

6. After the favourable clarification reportedly received from the Department of Legal Affairs, there was once again genuine hope that this long-pending matter would finally reach a just conclusion. It is therefore all the more distressing that the proposal was rejected despite DoP&PW's clear advice, DoLA's legal opinion, and DoT's own precedents supporting issuance of the Presidential Order.

7. In view of the above, it appears that the Secretary (Telecom) may have been advised to rely on a Supreme Court judgment that is not relevant to the facts of the present case, resulting in a decision that is not aligned with the binding advice of DoP&PW, is at variance with the legal opinion of DoLA, and departs from DoT's own established precedents. **The prolonged hardship faced by a 75-year-old pensioner, who has already endured fifteen years of uncertainty despite having been acquitted sixteen years ago, underscores the need for urgent corrective action.**

8. Under the Government of India (Transaction of Business) Rules 1961 and Government of India (Allocation of Business) Rules 1961, **the Cabinet Secretary is empowered to ensure uniform implementation of instructions issued by the nodal department, resolve inter-ministerial deviations, and direct Secretaries of Ministries to adhere to established rules and precedents.** We therefore earnestly request that **Secretary (Telecom) be directed to re-examine the matter immediately, comply with DoP&PW's advice dated 23.10.2019 and the legal opinion of DoLA,** and issue vigilance clearance for absorption in BSNL so that the Presidential Order may be issued without further delay, subject to the outcome of the pending appeal, as was done in the two precedent cases. Only such intervention can bring long-overdue relief to a pensioner who has suffered far too long despite clear rules, precedents, and departmental advice supporting his case.

With kind regards,

Yours sincerely,


29/10/26

(R.R. Balasubramanian)
General Secretary

Encl: As stated

Copy to: 1. Shri Amit Agrawal,
Secretary, DoT
2. Smt. Nivedita Shukla Verma,
Secretary (Pension), DoP&PW
3. Dr. Rajiv Mani,
Secretary, Department of Legal Affairs