



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/2025/60

Dated: 8th September 2025

To

Shri A Robert J Ravi,
Chairman and Managing Director,
Bharat Sanchar Nigam Limited,
New Delhi

Subject: Deliberate violation of DoP&PW orders dated 30.11.2021 and DoT order dated 22.03.2022 by BSNL Maharashtra Circle and CNTx-West Circle, Mumbai - Harassment of BSNL retired employees through issue of chargesheets which are contrary to extant rules, procedurally irregular, legally unsustainable and lacking authority – Request to declare the chargesheets null and void

Sir,

At the outset, we wish to make it clear that this is not a representation concerning disciplinary proceedings. Instead, it seeks to address procedural irregularities, lack of jurisdiction and maintainability of these chargesheet. If left unchallenged, these issues could undermine the entire disciplinary process and tarnish the image of BSNL.

2. With grave concern, we draw your kind attention to the two chargesheets issued by CGM, Maharashtra Circle and CGM, CNTx (W) Mumbai, to retired BSNL Executives [Annexure A & B], alleging that they disobeyed the instruction, issued after retirement, by BSNL authorities. The 'instruction' was only a direction to follow the Government of Maharashtra GR dated 30.04.2016 and to apply online in the State Government portal for caste validation certificate, which itself is against the existing procedure, wherein BSNL alone can make any reference to the State level/District level scrutiny committee. BSNL employees cannot be directed to apply to State Government authorities to get their caste validated.

3. DoP&PW vide its OM No.38/09(02)/2020-P&PW (A) (6721) dated 30.11.2021 **[Annexure-C]** has issued instructions for strict compliance that **"Unless departmental or judicial proceedings are pending against a retiring employee, the pensionary / retirement benefits of the retiring employee should not be withheld or delayed on the ground of pendency of verification of caste certificate."**

4. DoT vide its letter No. 40-09/2022-Pen(T) dated 22.03.2022 **[Annexure-D]** has endorsed it stating that,

"it is clear from the DoP&PW OM dated 30.11.2021 that pensionary/ retirement benefits of the retiring employee should not be withheld or delayed on the ground of pendency of verification of caste certificate and the only reason for withholding the said benefits can be pending departmental or judicial proceedings at the time of retirement".

3. Further, verification of caste certificate of serving employees, is an administrative matter and as such should be carried out by the appointing authority expeditiously and, in any case well before the date of superannuation as per extant rules by DoP&T on the matter. DoP&T letter No. 41034/4/2020-_st (Res-1) dated 19.03.2021 (copy enclosed) may be referred in this regard".

5. BSNL vide its letter No. BSNLCO-A/11(13)/2/2022-ESTAB dated 12.09.2022 had informed the Central Information Commissioner (RTI) **[Annexure-E]** that "However recently the government has issued instructions regarding payment of retirement benefits to retired employees whose caste certificate verification was pending vide OM No.38/09(02)/2020-P&PW (A) (6721) dated 30.11.2021. The same has been implemented in BSNL vide letter No.60-2/2020-SCT(Pt) dated 25.04.2022."

6. But, in complete defiance of these instructions, BSNL Maharashtra Circle and CNTx-West Circle, Mumbai have issued chargesheet, years after retirement, to these retired executives, with an erroneous intent to circumvent the DoP&PW order and to delay settlement of their pensionary benefits.

7. **While there are hundreds of such cases reported under Maharashtra Circle, each unique in its own way, for the sake of illustration, we hereby submit details of two representative cases.** These examples are not isolated, but emblematic of a broader pattern of mistreatment that demands urgent and systemic redress. The affected retired BSNL executives were appointed in the 80's/90's based on the community certificate issued by an Executive Magistrate who was competent to issue the certificate at that time and was accepted by the department. Decades afterwards they were allowed to retire on 31.01.2020 under BSNL VRS 2019, with clear VC. Their gratuity and other pensionary benefits have been withheld on the plea that community verification is pending, while no such verification was pending on the date of their retirement:

	Shri Prakash Khade, Maharashtra Circle	Shri Pradip Shamrao Khairkar, CNTx West Circle
Date of appointment	08.04.1985	23.06.1997
Date of Retirement	31.01.2020	31.01.2020
Date of Chargesheet	10.10.2023	15.01.2024 'Complete' chargesheet received on 18.03.2024

8. If the chargesheets are examined in the context provided, the following facts will become evident.

8.1 Procedurally invalid: The **chargesheets lack authority** as according to Rule 61 (4)(2)(b)(i) of BSNL CDA Rules, "The disciplinary proceedings, if not instituted while the absorbed employee was in service, whether before his retirement, or during his re-employment,- Shall not be instituted save with sanction of the Chairman/Managing Director." **Proper sanction by CMD BSNL, case by case was not obtained.**

[A letter signed by GM Estt of BSNL Corporate Office, conveying that CMD has agreed initiation of disciplinary proceedings against listed retirees, does not constitute 'sanction' by CMD BSNL. Sanction is to be issued by CMD BSNL under his signature, case by case, in the prescribed format.]

8.2 Allegation of 'disobeying' instructions issued after retirement not valid:

Once an employee retires, he is no longer bound by the administrative authority of his controlling officer. In other words, **instructions or orders issued after retirement do not carry binding force**, unless the retired employee is re-employed or contractually engaged by the government. Therefore, **there is no question of disobeying the instructions and the sole allegation in the chargesheet falls flat.**

8.3 Instruction contradicting extant rules and procedures is not binding: If a superior issues an instruction that violates existing rules, the government servant is not obligated to comply with it, according to several court rulings. As per extant rules, the process of verification of caste certificate is to be initiated by the employer and the 'employer cannot shift the burden of verification onto employees'. For this reason, the matter has already been referred by Secretary, DoT, Member (S), DoT and Hon'ble Minister of Communication and Development of North Eastern Region, Government of India vide D.O.No.60-02/2020-SCT(Pt.III) dated 28.02.2022, D.O.No.40-09/2022-Pen(T) dated 20.12.2023 and D.O No. 40-09/2022-Pen(T) dated 22.01.2025, as BSNL was not having any facility for verification of caste certificate online through the portal of Maharashtra State Government.

8.4 Legally unsustainable: **These retirees had no departmental or judicial proceedings pending against them as of their date of retirement.** Nor was any community verification pending on the date of retirement. While the fact is so, rather than adhering to the clear directives outlined in DoP&PW Office Memorandum No. 38/09(02)/2020-

P&PW (A) (6721) dated 30.11.2021, attempts are being made to circumvent these instructions, by **'putting the cart before the horse'**. **Such efforts are fundamentally flawed and destined to fail, as the issuance of a chargesheet post-retirement cannot retrospectively alter the vigilance status that existed on the date of retirement.**

9. Permitting BSNL Maharashtra Circle and CNTx-West Circle to persist with the legally unsustainable and invalid disciplinary proceedings will only further delay the release of due pensionary benefits to the affected BSNL retired executives, who are already suffering for over five years since their retirement. To ensure that justice is rendered without further delay, we request that:

- I. **The legality, or otherwise of the chargesheets may be examined in consultation with CVO BSNL;**
- II. **If found improper, CMD may declare the chargesheets null and void;**
- III. **Retirement benefits of all the affected pensioners be released, by strictly implementing the instructions of DoP&PW dated 30.11.2021**

With kind regards,

Yours sincerely,



(R.R. Balasubramanian)
General Secretary

Encl: As stated

- Copy to: 1. Shri P.K.Srivastava,
Chief Vigilance Commissioner, CVC.
2. Shri V.Srinivas,
Secretary (Pension), DoP&PW
3. Dr. Neeraj Mittal,
Secretary, DoT
4. Ms. Deepa Chawla,
CVO, BSNL
5. Shri S.P. Singh,
PGM (Estt), BSNL CO