



ALL INDIA BSNL DOT PENSIONERS ASSOCIATION

[Registered No. S/68836/2010]

Central Head Quarters

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AIBDPA/ BSNL-DOT/ LPD-RCVY/ODS/2020

18th September, 2020

To,

(1) Shri P.K. Purwar,
CMD, BSNL
Bharat Sanchar Bhawan,
Janpath,
New Delhi – 110 001

(2) Shri P.K. Sinha,
Member (Finance)
Department of Telecommunications,
Sanchar Bhawan, 20, Asoka Road,
New Delhi- 110 001

Sir,

Sub: - **Reduction in LPD violating standing instructions and notice of recovery in violation of Supreme Court Verdict and resultant orders issued by DOP&T, DOT and BSNL- case of Shri. Thabir Sahoo, TT(Retired), Bhawanipatna, Odisha- intervention sought-reg**

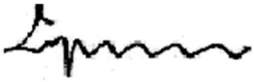
We wish to bring to your kind notice a very genuine case of the above mentioned retired employee for sympathetic and judicious consideration so that justice is extended to the poor retired employee. A copy of the representation submitted to DGM, Bhawanipatna by Shri- Thabir Sahoo in this regard, which is self explanatory , is enclosed herewith please.

1. A gist of the issue is given hereunder:- Shri Thabir Sahoo, TT, Bhawanipatna was due to retire on superannuation on 31-10-2020. However, he was compelled to avail VRS under BSNL VRS-2019 due to financial difficulties on 31-01-2020. But his Last Pay Drawn was reduced by the CCA, Bhubaneswar , reportedly due to a wrong pay fixation given to him in 1996.
2. The rules and instructions for scrutiny of service books of retiring officials, clarified by DP&PW even recently reiterates the rule and procedure , which states; 7.3.2 Role of Pay and Accounts Officer- “ However, for any such check of the correctness of past emoluments, the check should be the minimum that is absolutely necessary , said it should not in any case not go back to a period earlier than a maximum of 24 months preceding the date of retirement...” But in this case, the CCA has overstepped and has dug out a pay fixation done before 24 years which is in clear violation of the standing rule and instructions, as mentioned above. Therefore the reduction made in the last pay drawn by the CCA, Bhubaneswar is untenable and needs to be nullified.
3. Based on the wrong reduction in the LPD by the CCA, Bhubaneswar, BSNL Bhawanipet administration has issued a notice dated 13-04-2020 to Shri. Thabir Sahoo, for recovery of Rs.5,15,330 (copy enclosed). Though he has been issued the PPO and pension being paid, leave encashment and Ex-Gratia are withheld, defeating the very intention of availing VRS.
4. The Hon’ble Supreme Court Order in OA No.11527 of 2014 has issued strict guidelines/situations wherein recoveries by the employers would be impermissible in law. Accordingly, DP&PT has issued the order for implementation of Supreme Court verdict and this has been endorsed by DOT and BSNL. BSNL has time and again issued instructions to all the subordinate offices to ensure the correctness of pay fixation, up gradation etc., to avoid huge loss to BSNL as recovery would be impermissible. We are enclosing the latest letter in this regard issued by BSNL dated 1st May, 2019 for ready reference. In the given case, the situation (ii) “Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery” is very much applicable and the recovery would be impermissible in law.

5. Our representatives have discussed the issue with CGMT office, Odisha and was told that the Circle has referred the case to Corporate Office for clarification. But the Circle Office, Odisha is already in possession of the clarification issued by the Corporate Office dated 04-03-2020 addressed to CGM, MP Telecom Circle and copy sent to all the circle Heads.(Copy enclosed). It is really pathetic that the higher officers like CGM are dilly dallying even on issues wherein the rules and instructions are crystal clear.
6. We are surprised to note that the clarification issued by BSNL dated 04-03-2020 does not consider VRS retirees as retirees. The clarification, as such, defeats the very purpose and spirit of the Supreme Court Order. However, the fact remains that even according to this erroneous clarification, the recovery is impermissible in the given case, as his date of superannuation being 31-10-2020, falls within one year of the date of recovery notice, 04-03-2020.
7. Therefore, it is fervently requested that action may please be caused to withdraw the Recovery Notice issued to Shri Thabir Sahoo, restore his last pay drawn and payment of leave encashment and Ex-Gratia at the earliest.

With kind regards,

Yours sincerely,



K.G. Jayaraj
General Secretary

Encl: As above

CC: (1) Shri Arvind Vadnerkar, Director (HR), BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi-110001
(2) Ms. Vandana Gupta, DDG(Accounts), DoT, Sanchar Bhawan, New Delhi-110001
(3) Shri Sanjay Agarwal, Director(Esst-Pension), DoT, Sanchar Bhawan, New Delhi-110001
(4) Shri Saurabh Tyagi, Sr GM(Estt.), BSNL CO, Bharat Sanchar Bhawan, Janpath, New Delhi-110001