



Sanchar Nigam Pensioners' Welfare Association

Reg.No: SOCIETY/WEST/2021/8902564

CHQ: B-11/1, Ramesh Nagar, New Delhi-110015, India



snpwachq.com



snpwachq@gmail.com

K.D Sebastian
CHQ President
+91 9447144100

G.L.Jogi
General Secretary
+91 9868217799

S.S. Rajput
Treasurer
+91 9413394204

SNPWA/ CHQ/Secy(T)/1/25.

Dated 22nd Jan, 25.

To

Sh Neeraj Mittal,

Secy(T), New Delhi.

Sub Ruthless, continuing and unprecedented persecution and victimization of more than 300 retired ST officials of Maharashtra by BSNL Management, in collusion with CCA/ MH, by denying them Pension, Terminal Benefits etc. in blatant disregard and contemptuous violation of Statutory Provisions of 2021 CCS Pension Rules, Standing orders of DOP&PW, Orders of DOT from time to time, emphatically and unequivocally directing BSNL to implement Statutory CCS Pension Rules 1972 contained in the orders of DOP& PW and the recent landmark Judgment of the Honble Apex Court

Personal intervention, on war footing, solicited to obviate and forestall perpetuation of atrocities of worst kind by continuing ruthlessly fleecing hapless retired ST officials.

Ref:

- 1. Provisions of Statutory CCS Pension Rules 1972, amended in 2021, reiterated by nodal Ministry, DOP&PW, vide it's order 38/09(02)/2020-P&PW(A)[6721] dated 30.11.202**
- 2. DOT Order 40-09/2022-Pen(T) dated 22.03.22 directing BSNL to take n/a regarding disbursement of Pensionary/ Retirement benefits of retiring employees in light of DOP& PW letter at Ref no 1**
- 3. DOT order no 40-09/2022-pen(T) dated 4th April, 22 22 reiterating its order at Ref 2, in the light of clarifications sought by BSNL regarding implementation of Order at Ref 1, and yet again directing BSNL to implement the provisions of DOP& PW order at Ref 1.**

4. DOT Order 36-03/2019-Pen (T) dated 3rd Dec, 2021 Circulating the Order of DOP& PW at Ref 1 regarding Non payment/ Delay in payment of retirement benefits on account of delay in verification of Caste certificate in respect of retiring employees

5. Judgment of the Honble Supreme Court delivered by Hon Justices Abhay Oka and Ujjal Bhuyan in Civil Appeal no 1279 of 2024 dated Nov, 19, 2024 adjudicating; As has been held by this Court on more than one occasion.....No disciplinary proceeding can be initiated after the delinquent employee or officer retires from service on attaining the age of superannuation or after the extended period of service

Respected Sir

After carefully going through and meticulously analyzing, in a chronological manner, the above Cited Orders, no one will be left in any kind of doubt whatsoever as to how about 300 retired ST officials/ officers of DOT have been and continue to be ruthlessly persecuted and fleeced by not only BSNL Management but also by DOT Establishment.

What is incredibly shocking and astonishing is not the barbarian and brutal role of BSNL Management in ruthlessly persecuting about 300 retired ST officers of MH but a very tacit abetment of DOT Establishment by maintaining a conspicuous and studied silence and being a mute spectator towards the entire sordid frameup for more than three years now.

The very fact that DOT Establishment, time and again, for last three years, unequivocally conveyed to and directed BSNL Management to implement the statutory provisions of CCS Pension Rules 2021, relating to payment of Pension and Terminal Benefits, but never acted, even remotely, to ensure implementation of these orders, adequately establishes tacit complicity of DOT in this entire matter

Blatant and contemptuous disregard and violation of the above cited Statutory orders and the very recent Judgment of the Apex Court clearly reveal what BSNL and DOT is upto and what are their ulterior motives. The very fact that BSNL Management, including CCA MH, have been defying the aforesaid orders, with utmost temerity and audacity, reveals nothing but complicity of DOT.

Sir, on what basis are the regular Pension and Terminal Benefits withheld when the provisions of CCS Pension Rules 2021 unambiguously stipulate not only that Terminal Benefits cannot be withheld unless Disciplinary/Judicial proceedings are pending at the time of retirement but the Statutory Orders further categorically and emphatically envisage that even if Caste verification is pending at the time of superannuation, Pension and Terminal Benefits cannot be withheld.

Nothing whatsoever was pending against the said officials at the time of their superannuation. Fabricated and concocted charge sheets have been issued against these officials after three years of their superannuation. The then CMD/ BSNL made the entire issue a very personal prestige issue, contemptuously disregarding Statutory Orders and unfortunately DOT became a party to his perverse, treacherous and wilful machinations.

Sir, the Hon Apex Court of the Country, in a very recent landmark Judgement on 12th Nov, 24 has severely castigated and reprimanded SBI for issuing charge sheets against a delinquent official

after his retirement and has **laid down that no charge sheet can be issued after the delinquent official/ officer retires from Service on attaining the age of superannuation.**

The most striking and stark difference is that in the aforesaid litigation the officer was reportedly delinquent at the time of superannuation and here the said officials were absolutely clean at the time of their retirement

Sir It would be extremely pertinent to mention following scathing observation made by the Hon Apex Court against the employer(SBI) for serving concocted charge sheets.

Subsisting disciplinary proceedings i.e one initiated before superannuation of delinquent officer may be continued post superannuation by creating a legal fiction of continuance of service of the delinquent officer for the purpose of conclusion of disciplinary proceedings

To falsely implicate an officer, employer gave him extension of service to ensure that disciplinary proceedings initiated against him while in service are concluded

Hon Apex Court adjudicated such action as legal fiction and dismissed the appeal of the employer.

In the instant case of BSNL, the legal fiction created is worse by charge sheeting officials after three years of superannuation and that too when nothing whatsoever was pending against them at the time of their retirement Needless to say that the the entire Onus of caste verification, as per the standing orders of DOP&T, lies exclusively on the employer, employee having no role to play whatsoever. Besides, the entire process of caste verification has to be completed by the employer well in time, before the superannuation of the employee.

It is ridiculous for BSNL to freeze the implementation of Statutory CCS Pension Rules simply because someone, according to them,a VIP, made an unsubstantiated complaint. Merely basis of an unsubstantiated complaint, can Presidential Statutory Orders be frozen and hundreds of downtrodden and underprivileged employees fleeced and strangulated

Sir, beyond this, we don't have anything to mention, having adequately brought out all critical and relevant facts, and we are confident that, as a custodian of Administration of Justice and as steward of overseeing implementation of the Statutory Orders of the Govt, your good self will act very swiftly and decisively not only to render badly delayed justice to the intensely suffering retired officials but also fix responsibility for such serious, advertent and unpardonable lapse that has inflicted and unleashed untold misery and suffering.

Warm Regards

Sincerely yours



(G.L.Jogi)

Copy to

1. Sh V. Srinivas, Secy/ DOP& PW for kind information and n/ a please.
2. Sh Manish Sinha, M(F)/ DOT. He is requested to rein in CCA/ MH, who is continuing to blatantly violate orders of DOP& PW and BSNL.
3. Sh Rohit Sharma, M(S) for n/a pl.
4. Sh Shahbaz Ali, CGCA. He is requested to direct CCA/ MH to forthwith implement orders of DOP& PW and BSNL issued on 22.11.24.
5. MS Roshni Soni, DDG(E) for n/ a pl.
6. Sh Rober J. Ravi, CMD/ BSNL. His immediate proactive intervention is solicited to address the issue in its totality.
7. Dr Kalyan Sagar Nippani, Dir(HR)/BSNL, for immediate n/a pl.
8. MS Vibha Mishra, CCA/ MH, for n/ a pl.
9. CGM/ MH for n/ pl.
10. Sh S.P. Singh, PGM(E)/ BSNL for n/ a pl.