

**ALL INDIA
RETIRED BHARAT SANCHAR NIGAM LIMITED EXECUTIVE'S WELFARE ASSOCIATION
CENTRAL HEAD QUARTERS, NEW DELHI**

CHQ ADDRESS: C-8/230, YAMUNA VIHAR, DELHI-110053, www.aibsniretd.org

OFFICE BEARERS:

1. President

Rakesh Srivastava (Delhi)
M.: 09868876677

2. Vice President-I

V. Keshav Rao (Vijaywada)
M.: 09490758175

3. Vice President-II

Rakesh Srivastava (Delhi)
M.: 09868876677

4. General Secretary

Kishan Singh (Delhi)
M.: 09968270611

5. Asstt. General Secretary-I

Amit Kr. Gupta (Kolkata)
M.: 09433000088

6. Asstt. General Secretary-II

R.B. Athani (Hoobly)
M.: 09449858299

7. Asstt. General Secretary-III

Pradeep Goel (Lucknow)
M.: 09415315111

8. Asstt. General Secretary-IV

Amalendu Guha (Ahmedabad)
M.: 09426643434

9. Asstt. General Secretary-(HQ)

K.N. Mehra (Ghaziabad)
M.: 09911314576

10. Finance Secretary

N.C. Jain (Ghaziabad)
M.: 09871915573

11. Organising Secretary (East)

Arbinda Ghosh (Kolkata)
M.: 09434068111

12. Organising Secretary (West)

S.N. Sonwane (Nasik)
M.: 09422271599

13. Organising Secretary (South)

P. Chandrasekhar (Chennai)
M.: 09444710815

14. Editor

S.K. Awasthi (Delhi)
M.: 09868617661

15. Auditor

B.D. Jha (Ranchi)
M.: 09431706606

No. AIRBSNLEWA/ 2015-16

DATED AT New Delhi the 28/09/2016

To

Com S. C. Maheswari
Administrator(Formal DEN.C.Rly)
Bharat Pensioner Samaj
2/13-A-LGF (Backside) Hospital Road
Jangpura "A" Sahi Hospital Road
New Delhi 110014

**Sub: Recovery of wrongful /excess payment made to the Government
Servants – Order Issued by DOPT**

Ref : OM No. 18/03/2015-Estt.(Pay-I) 2nd March 2016 by DOPT

Dear Comrade,

You are aware that as a follow up action of the Judgment of Supreme Court dated 18-12-2014 (SLP No 11684 of 2012), DOPT has issued the memo under reference. But we feel that for proper implementation of the Apex Court's Judgment some points are missing and some more clarification is necessary for implementation of the Apex Courts order in letter and spirit.

The said recoveries of wrongful/excess payments are generally made at the time of retirement or after retirement while calculating the pension. Once some mistake is detected in the pay fixation, subsequent actions are taken on two ways.

- ✓ Recovery of the excess salary paid from the date of the mistake to the date of retirement
- ✓ Reducing the last pay drawn resulting in reduction of the pension which is 50% of last pay drawn

The Judgment of the Apex court has clearly mentioned five situations where recoveries should not be made, therefore the reduction of pension also should not be made effective. But in the memo under reference the word 'considered' in para 5 has created a scope of confusion by the implementing Ministries/ Departments. For example BSNL while issuing the follow up order in consultation with DOT has mentioned to process the cases "wherever considered necessary", thus is applying a filter on the Supreme Courts order. (Copy enclosed).

K. Singh



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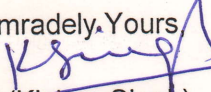
The Memo issued by DOPT has covered only one aspect i.e. waiver of the recovered amount but has not clarified anything on restoration of reduced pension from the date of retirement. The memo is also silent on the procedure to be followed henceforth. Whether same practice of recovery then waiver will be followed in future cases also? Further the date of effect of the said order is also not mentioned and the time line for future action / compliance by the Ministries with the Supreme Court guidelines has also not been specified.

Therefore we feel that DOPT should issue further guidelines to avoid hardship to Govt. Servants and for proper implementation of Supreme Courts order as mentioned below.

- 5) Timeframe for waiver of all the recoveries made so far which are coming under the five conditions specified by Supreme Court. No further application of any kind of filter on the decision of the apex court.
- 6) Restoration of original pension as per unrecovered last pay drawn from the date of retirement.
- 7) Instruction for stoppage of such deduction on the five situations specified by the Supreme Court.
- 8) All past cases are to be considered for such waiver and pension restoration.

Comrade you are requested to kindly consider the issue and take up the matter with DOPT, if possible as an agenda in SCOVA so that DOPT issues necessary orders / clarification immediately with respect to points raised herein above.

Thanking you,

Comradely Yours

(Kishan Singh)
General Secretary

Enclosure: As Above

BHARAT SANCHAR NIGAM LTD
(A Government of India Enterprise)



CORPORATE OFFICE
PAT SECTION
Bharat Sanchar Bhawan
H.C. Mathur Lane, New Delhi-01

No.1-06/2016-PAT(BSNL)

Dated the 09 -09-2016

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

Sub: Guidelines regarding recovery of excess/wrongful payments made to employees of BSNL

Sir,

I am directed to refer to OM No. 18/03/2015-Estt (Pay-1) dated 2.3.2016 (Copy enclosed) of Department of Personnel & Training, Govt. of India, wherein, instruction has been issued for waiver of recovery of excess /wrongful payment pursuant to the decision dated 18.12.2014 of the Hon'ble Supreme Court in the case of State of Punjab & Others vs Rafiq Masih (White Washer) etc. in CA No. 11527 of 2014 (arising out of SLP © no. 11684 of 2012).

2. The matter of waiver of recovery of excess / wrongful payments in the context of employees of BSNL has been examined in consultation with DoT. DoT has advised that wherever waiver of recovery is considered necessary in the light of above mentioned decision of the Hon'ble Supreme Court of India, the same may be sent to DoT giving full details of the case and the expenditure involved, for seeking express approval of Department of Expenditure for waiver of recovery after examining the individual cases on the basis of DOP&T OM dated 06.02.2014.

3. In view of the above instruction of DoT in the matter, it is requested that wherever waiver of recovery is considered necessary in the light of the decision of Hon'ble Supreme Court, the proposal may be sent to DoT through the concerned cadre controlling branch in BSNL Corporate Office giving full justification and expenditure involved alongwith recommendation of HOC and IFA.

Yours faithfully,

(S. P. Bhatta)

Asstt. General Manager (Estt-I)

Tele. No. 23037477/23737886

1. PS to CMD, BSNL
2. PS to Dir(HR)/Dir(Enterprise)/Director(CFA)/Dir(CM)/Dir(F), BSNL Board
3. PS to CVO, BSNL
4. All Executive Directors, BSNL
5. All PGMs/Sr.GMs/GMs in BSNL CO.
6. Addl. GMs/DGMs(Admn.)/(Pers)/(BW)/(Elect.)/(Arch.)/(SEA)/(EF)/(CA) BSNL CO.
7. BSNL Intranet /Guard file