



## ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

Central Headquarters  
111, New Ashiana Apartments, Plot-10, Sector-6, Dwarka  
New Delhi-110 075  
E-mail : gensecaibsnlrea@yahoo.com

President : V. Chinnappaiah  
Ph.: 044-22603300  
(M) : 09444003300

General Secretary : S. Basu  
Ph.: 011-25073969  
(M) 09868092995

Financial Secretary : Hari Ram  
Ph.: 011-25075541  
(M) 09868538189

No. AIBSNLREA/CHQ/2021/57

Date: 14<sup>th</sup> September 2021

To  
Shri Devesh Kumar,  
Chief General Manager, BSNL,  
Karnataka Telecom Circle,  
Bengaluru - 560001

**Sub: Request for releasing of withheld ex-gratia, grant of Time Bound upgradation from E4 to E5 and from E5 to E6 and also releasing of Gratuity and CVP in view of quashing of chargesheet by Hon'ble CAT Bangalore and attaining of age 60 years- Case of Shri B M Nyamati, Retd CAO, Bangalore Telecom District**

Ref: 1. Our letter No. AIBSNLREA/CHQ/2021/5 dated 25.01.2021  
2. Our letter No. AIBSNLREA/CHQ/2021/43 dated 11.08.2021  
3. AGM (Legal) O/o CGMT Karnataka Note No.LC/A/3-12/2020/32 dated 08.09.2021

Sir,

In response to our letter cited under Ref.2 above [Annexure-A], a copy of internal Note referred to at Ref.3 above, addressed to AGM (PG) by AGM (Legal) O/o CGMT Karnataka Circle has been supplied to us [Annexure-B], wherein it has been stated that "WP has been filed with FR No.13843/2021 before Hon'ble High Court, BG, challenging the Hon'ble CAT Bangalore order dated 06.07.2021 in OA 170/416/2020 filed by Sri B M Nyamati". The Note further states that "the matter is subjudice", curiously just after getting a FR number.

2. We would like to draw your kind attention to BSNL letter No.48-7/2018-Pen (B) dated 30.12.2019 [Annexure-C], conveying the decision of DoT that unless there is a stay on the orders of acquittal, a pensioner should not be put to disadvantage and DoT had decided to go by the advice rendered by Department of Pension and Pensioners' Welfare, wherein it has been 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 in accordance with the rules ibid, and the Department may take action and issue orders accordingly."


3. Karnataka Circle, based on our pointing out the above DoT decision, had earlier issued final retirement orders and released the pension and other pensionary benefits in respect of Shri I S Naveli and Shri S B Mohare, where CBI had filed appeal against the orders of CBI trial court

and the appeal was pending. Needless to say, that the present case is not even one of criminal proceedings and only is a departmental disciplinary proceeding which has also been aborted by the CAT Bangalore quashing the chargesheet itself. Therefore, there cannot be any justification in denying issue of final retirement orders and grant of all retirement benefits in respect of Shri B M Nyamati, Retd CAO on the plea that appeal is pending.

4. We, therefore, request you to kindly cause initiation of the process for issuing final retirement orders for Shri B M Nyamati, Retd CAO and consequent payment of regular pension and release of other retirement benefits like gratuity & commutation of pension etc. as he has already crossed the age of 60 years.

With kind regards,

Yours sincerely,

  
(R.R. Balasubramanian) 14/9/21  
Asst. General Secretary  
For General Secretary

Encl: As stated

Copy to:

1. Shri Indevar Pandey,  
Secretary (Pension), DoP&PW.
2. Shri Arvind Vadnerkar,  
Director (HR), BSNL