



# ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

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No. AIBSNLREA/CHQ/2020/87

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To

Shri P K Purwar,  
Chairman & Managing Director,  
Bharat Sanchar Nigam Limited,  
New Delhi 110001.

**Sub: Issue of incomplete Charge Sheet just on the previous day of retirement under Rule 36 of BSNL (CDA) Rules, 2006 alleging inaction in carrying out designated duties causing wrongful gain to a Security Service agency and thereby put BSNL into unwanted risk as the Principal Employer of deployed Security Guards, after 13 years of the alleged incident – Case of Shri B M Naymati, Retd Chief Accounts Officer, Bangaluru TD.**

Sir,

We are shocked to learn about a case in which an Executive i.e. Shri B M Nyamati, Retd CAO, who was set to retire on 31.01.2020, was served an **incomplete Charge Sheet** under Rule-36 of BSNL (CDA) Rules, 2006 alleging inaction on the part of the Executive in carrying out his designated duties causing wrongful gain to a Security Service agency and thereby put BSNL into unwanted risk as the Principal Employer of deployed Security Guards. More so, the Charge sheet has been issued in respect of the **incidents alleged to have taken place 13 years back when Shri B M Nyamati was working as Accounts Officer (Cash) in Mehsana TD of Gujarat Telecom Circle.**

2. It seems that Karnataka Telecom Circle was in a hurry to serve charge sheet to him and failed even to enclose the documents listed in Annexure-III and the Statements of the witnesses listed under Annexure-IV, as required. These documents were also not supplied to Shri B M Nyamati in the subsequent days. He finally received some documents listed under Annexure-III only on 05.06.2020 i.e. four months after his retirement and that too only after his repeated requests. He is yet to receive the remaining documents listed under Article-III and the Statements of the witnesses listed under Article IV. This shows that the Disciplinary Authority did not have custody of the documents while issuing the charge sheet and had collected them only after his retirement. This also shows that the Disciplinary Authority has signed on dotted lines, without himself having access to the documents and going through it. Thus, because of a bizarre action of the Karnataka Telecom Circle, regular pension and other pensionary benefits of Shri B M Nyamati, Retd CAO has got held up for an uncertain period.

3. It appears that the hurried issue of charge sheet at the last moment, without having custody and supplying the listed documents, was done deliberately to override the provision of **Rule 61 Sub Rule 4(4)(2)(b) of BSNL CDA Rules 2006**, which states that "*The disciplinary*

proceedings, if not instituted while the absorbed employee was in service, whether before his retirement, or during his re-employment, - (i) Shall not be instituted save with sanction of the Chairman/Managing Director, (ii) **Shall not be in respect of any event which took place more than four years before such institution**". In the present case, the Charge sheet has been served 13 long years after the alleged incident.

4. The inordinate delay of nearly 13 years in initiating disciplinary proceedings remains unexplained and therefore constitutes denial of reasonable opportunity. By lapse of time some evidence is bound to vanish and as time passes by, recollection of an event becomes difficult and memory about an incident fade. **It is therefore unfair to permit a departmental enquiry to be proceeded with after the lapse of such a long period of 13 years.**

5. Though we do not want to go into the merits of the case, it is a well-known fact that it is not the duty of the Accounts Officer (Cash) to verify whether the Security Agencies fulfilled all the contractual obligations like payment of EPR/ESI etc. to the concerned organizations. He only relies on the certificate issued by the field executives to that effect. The various Rules quoted in Charge-Sheet from the Financial Handbook Volume III are of general nature and do not bear any relation to the specific case as mentioned in the charge sheet.

6. In view of the above, we would earnestly request you to kindly drop the case, and thus allow a pensioner to live a peaceful life after his retirement. No retiring/retired employee should be penalized by depriving him/her of his/her legitimate pension and pensionary benefits by framing a Charge-sheet for an alleged incident that is said to have taken place some long 13 years back to cover up some lapses on the part of the administration itself and finally serve an incomplete charge-sheet to him/her just a day before his/her retirement.

With kind regards,

Yours sincerely,

  
(S Basu)

General Secretary

Copy to:

1. Shri Anshu Prakash,  
Secretary (Telecom). DOT.
2. Dr. Kshatrapati Shivaji,  
Secretary (Pension), DOP&PW.
3. Shri Arvind Vednarkar,  
Director (HR), BSNL.
4. Shri D K Mishra,  
Chief General Manager,  
Karnataka Telecom Circle.