



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

Central Headquarters

Registered under Societies Registration Act XXI of 1860 vide Govt. of NCT Delhi No. S/RS/SW/1161/2014

[Registered under Pensioners Portal vide DoP&PW letter No. 4(4)/2021-P&PW(H)7311 dated 04.01.2024]

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Awadesh Sharma
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No. AIBSNLREA/CHQ/2024/86

Dated 3rd December 2024

To

Shri Ravi A Robert Jerard,
Chairman and Managing Director,
Bharat Sanchar Nigam Limited,
New Delhi 110001.

Sub: Non-payment of interest on delayed payment of Gratuity – rejection of claim of Shri B.M. Kolki, Retd SDE Kolhapur by Maharashtra Telecom Circle without assigning any reason

Ref: 1. Our letter No.AIBSNLREA/CHQ/2024/7 dated 31st January 2024

2. Our letter No.AIBSNLREA/CHQ/2024/36 dated 31st May 2024

Sir,

We once again request your kind attention to our letters cited under reference requesting payment of interest on delayed payment of Gratuity in respect of Shri B.M. Kolki, Retd SDE Kolhapur.

2. While Shri B.M.Kolki retired on superannuation on 31.07.2021 and no disciplinary/judicial proceedings was pending on the date of his retirement, payment of gratuity was delayed on the plea of pending issue of Presidential orders for absorption in BSNL. **BSNL authorities failed to initiate the process for issue of Presidential Orders immediately after issue of final penalty orders in a disciplinary proceeding on 29.03.2017**, as the disciplinary proceedings had not led to his dismissal or removal from service. But it took five years for issue of Presidential Orders for his absorption in BSNL, on 11.04.2022. And his gratuity was paid only on 25.10.2022 along with the CVP and leave encashment for BSNL period, 18 months after his retirement.

3. When Shri B.M.Kolki represented for payment of interest on late payment of gratuity, CGMT, Maharashtra Circle has replied that "*Subsequently and pursuant to the DoT letter*

dated 16.03.2022 and BSNL Corporate office dated 21.03.2022, the presidential order of Sh. B M Kolki (retd. SDE) was issued on 11.04.2022, following which the retirement benefits were released. Further, the case was intricate with criminal charges and court orders as opposed to a regular superannuation case. Therefore, in view of the above, the request for interest of the payment of gratuity by the applicant is hereby declined". The reply does not reveal why there was a delay of five years for issue of Presidential Orders, when the judicial proceedings had ended in acquittal on 22.05.2015 and the final orders in the disciplinary proceedings had been issued on 29.03.2017. There is no justification for this five years' delay and Shri B.M.Kolki cannot be penalised for the delay on the part of the administration, howsoever intricate the case was perceived by the authorities.

4. Also, no effort had been taken by the administration **to sanction provisional gratuity where the amount of pension and gratuity cannot be determined for reasons other than the departmental or judicial proceedings as provided under Rule 62 of CCS (Pension) Rules, 2021.** As a result, the pensioner has lost reasonable bank interest on Rs.16,21,483/= for a period of 18 months, for no fault on his part.

5. Maharashtra Telecom Circle is reported to be unresponsive to BSNL CO seeking details of the case, despite repeated reminders.

6. It is therefore requested that **Maharashtra Telecom Circle may please be directed to submit the details to BSNL CO so that Pers Section can take a call on the issue.** We would like to reiterate that undue delay on the part of the administration in processing and issuing of Presidential Orders cannot be a valid reason for late payment of gratuity and the pensioner should not be penalised for the administrative delay.

With kind regards,

Yours sincerely,



(R.R. Balasubramanian)

General Secretary

Encl: As stated

- Copy to: 1. Shri V. Srinivas,
Secretary (Pension), DoP&PW
2. Shri Adhir Kumar Singhal,
PGM (Pers), BSNL CO
3. Shri Prashant R Patil,
CGMT, Maharashtra Circle, BSNL