



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

Central Headquarters

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No. AIBSNLREA/CHQ/2023/66

Dated 19th September 2023

To

Shri V.Srinivas,
Secretary (Pension),
Dept of Pension & Pensioners' Welfare,
New Delhi 110001.

Sub: Request for intervention and appropriate action to end the unabated harassment of a pensioner, denying interest on late payment of gratuity - case of Shri S B Mohare, Retd Accounts Officer (PPO Number 562016081219964), Karnataka Circle, BSNL.

Ref: 1. Our letter No.AIBSNLREA/CHQ/2023/63 dated 25th August 2023

2. DoT response dated 14.09.2023

Sir,

We seek your kind intervention in the matter of undue harassment of a pensioner, whereby interest on late payment of gratuity remains unpaid despite the pensioner repeatedly representing for the same for the past three years.

2. Shri S B Mohare, Retd Accounts Officer, Gulbarga Telecom District of BSNL Karnataka Circle retired from service on 31.08.2016 and was sanctioned provisional pension since a CBI case was pending against him and others in the Court of District & Sessions Judge with Case No. Spl. CBI CC 11/2013. He was acquitted vide the judgment delivered by the court on 25.10.2018. His retirement benefits were being denied on the plea that CBI had filed an appeal against the acquittal. After, we continuously took up the matter with all concerned, pointing out the advice from DoP&PW, which had been quoted by DoT in a letter to BSNL, 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 Department may take action and issue orders accordingly", his final retirement orders were issued on 21.07.2020 and his retirement benefits including DCRG were released. The DCRG payment was made on 22.10.2020.

3. In accordance with Rule 65 (5)(c) of CCS (Pension) Rules, 2021, "In the case of a Government servant to whom provisional pension was paid and retirement gratuity was not paid on retirement in accordance with clause (c) of sub-rule (4) of rule 8 on account of departmental or judicial proceedings pending against him on the date of retirement and who is exonerated of all charges on conclusion of such departmental or judicial proceedings, interest shall be payable on retirement gratuity and arrears of pension, if any, from the date following the date of expiry of a period of three months from the date of retirement up to the date of payment of arrears of pension and gratuity." And this "interest shall be paid on arrears of pension or family pension or gratuity at the rate and in the manner as applicable to General Provident Fund amount in accordance with the instructions issued from time to time", as per Rule 65 (1) of CCS (Pension) Rules, 2021.

4. Although Shri S B Mohare has represented for the payment of interest on delayed payment of DCRG and has followed it up with several requests through email, no action has been taken till date on the matter, resulting in continuation of his suffering and mental pain. It is not fair to subject a pensioner to unending suffering, particularly after all the adverse weather he has faced since retirement in 2016.

5. When this Association took up the matter with Secretary (Telecom), Department of Telecom vide its letter cited under Ref.1 [Annexure-I] above and registered a grievance vide Docket No.DOPPW/E/2023/0040316, we have received an astonishing reply from DoT [Annexure-II] stating that **"The Vigilance Clearance of Shri S B Mohare was received on 19.10.2020 and gratuity was paid on 22.10.2020. As such no delay has occurred from O/o CCA Karnataka Circle, Bangalore"**, *implying that CCA Karnataka is not responsible for the delay upto the date of issue of vigilance clearance and only BSNL has to take the responsibility.*

6. DoT and its units cannot escape responsibility for paying interest, since Rule 65 (5)(c) of CCS (Pension) Rules, 2021 categorically accounts for the delay **"from the date following the date of expiry of a period of three months from the date of retirement up to the date of payment of arrears of pension and gratuity"** and does not give any leeway for counting only a specific period in between. Also, the pensioner, in no way, is responsible for the delay in issue of vigilance clearance by BSNL.

7. We would therefore request your kind intervention and advice to DoT for immediate payment of interest on late payment of gratuity, to Shri S B Mohare, Retd AO, Karnataka Circle of BSNL without resorting to blame game, as DoT is the authority to pay gratuity.

With kind regards,

Yours sincerely,



(R.R. Balasubramanian)

General Secretary

Encl: As stated

Copy to:

1. Shri Neeraj Mittal,
Secretary (Telecom) DoT
2. Shri P K Purwar,
CMD, BSNL
3. Ms. Madhavi Das,
CCA, Karnataka