



ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

Central Headquarters

Flat No.6, Second Floor, Subiksha Apartment,
10/41, Sowrashtranagar 7th Cross Street, Choolaimedu, Chennai – 600094
Email: gensecaibsnlrea@yahoo.com

President

V. Chinnappiah
(M) 9444003300

General Secretary

R.R.Balasubramanian
(M) 9486100613

Financial Secretary

Awadesh Sharma
(M) 9968630008

No. AIBSNLREA/CHQ/2023/55

Dated 18th July 2023

To
Shri K Rajaraman,
Secretary (Telecom),
Department of Telecommunications,
New Delhi 110001.

Sub: Delay in issue of Vigilance Clearance by DoT for absorption in BSNL - case of Shri H S Sutaria, Retd JTO, Gujarat Telecom Circle, BSNL – Submission of precedence in similar situation.

Sir,

We are constrained to bring to your kind notice yet again, the injustice being meted out to the above-named retired Executive of Gujarat Telecom Circle of BSNL, who has not been paid his regular pension and other pensionary benefits in spite of his acquittal by Hon'ble District & Sessions Court, Surat in a ACB Gujarat case on 31.05.2010 as an appeal filed by ACB Gujarat is pending although the lower court order has not been stayed. His period of suspension has also been not regularised yet. While Vigilance clearance has been issued for regularisation of pension and release of pensionary benefits by BSNL, it could not be given effect to since DoT has been delaying issue of Vigilance Clearance for absorption as per the option exercised by him.

2. Recently, DoT Vigilance vide its letter No.9-93/2000-Vig.I dated 28.04.2023 **[Annexure-A]**, has refused to release the benefits citing LA (DoT) advice which states that "The matter of aforesaid acquittal is challenged and pending without any stay of specific order. Therefore nothing can be either presume or prudently advice at this stage regarding

consideration of benefits of Regularisation of the suspension period consequent upon acquittal in Surat ACB case No.9 of 1997." The said DoT vigilance letter further goes on to state that "It is mentioned that with respect to matter of Vigilance Clearance for the purpose of permanent absorption of government servant in the BSNL, there is no specific guidelines/instructions issued by DoPT for this purpose. However as per Allocation of Business Rules, 1961, the residual work relating to the erstwhile Department of Telecom Services and Department of Telecom Operations, including matters related to cadre control functions of Group-A and other categories of personnel till their absorption in BSNL is assigned to DoT. Further the judgement of acquittal has been challenged in an appeal filed by CBI in the court of law which is pending without any stay or specific order. **In case of conviction by higher court proceedings by DoT will not be possible in case the officer is absorbed in BSNL under Rule 8 of CCS Pension Rule 2021.**"

3. From the contents of the above letter, it is clear that LA (DoT) was only hesitant in giving any advice at this stage, but had not said anything against clearing VC. The Vigilance section of DoT has stated that "there are no specific guidelines/instructions by DoPT for this purpose", ignoring the existence of guidelines issued by none other than DoT itself, after taking the advice of DoP&PW. We had already drawn your kind attention to the fact that the ACB Gujarat appeal pending in this case cannot be the reason for delaying the matter, since **DoT vide Letter No.40-18/2019-Pen(T) dated 23rd October 2019 [Annexure-B]** has conveyed the advice from DoP&PW wherein it had 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. Such order may however be subject to the outcome of any Appeal/Revision Petition filed against the acquittal and the position may be reviewed by the Department on the outcome of the Appeal/Revision Petition."**

4. **If at all DoT Vigilance is concerned about possibility of proceedings in case of conviction by higher court, there are precedents wherein DoT has conveyed approval for absorption in BSNL in exactly similar cases, subject to obtaining an undertaking. Copies of the said DoT letters are enclosed [Annexure-C & D].**

5. We feel that the case needs to be approached with empathy and sympathy as the pensioner acquitted by the lower court, has been suffering for 12 years after acquittal, without a single hearing taking place in Gujarat High Court on the appeal by ACB Gujarat. We request you to kindly bestow your personal attention to this issue and cause approval for his

absorption in BSNL and consequent release of all pensionary benefits and regularisation of his suspension period so as to give relief to the hapless pensioner.

With kind regards,

Yours sincerely,



(R.R. Balasubramanian)
General Secretary

Enclosure: As stated.

Copy to:

1. Shri V Srinivas,
Secretary (Pension) DoP&PW,
2. Ms. Shefali Swaroop,
Chief Vigilance Officer, DoT.
3. Shri Uma Shanker Pandey,
Member (Services) DCC, DoT.
4. Ms. Roshni Sohni,
Dy Director General (Estt), DoT.