



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/2023/22

Dated: 15th February 2023

To

Shri Saurabh Tyagi,
Principal General Manager (Estt)
BSNL Corporate Office,
New Delhi 110001.

Sub: Request to release of withheld DCRG – case of Shri Prem Shankar Prasad, Retd SDE,
Dhanbad

Ref: 1. BSNL letter No.38-17/2019-Pen (B) dated 09.07.2020
2. BSNL letter No.48-4/2021-Pen (B) dated 23.03.2021
3. Representation from Shri Prem Shankar Prasad

Sir,

We seek your kind attention towards the grievance of Shri Prem Shankar Prasad, Retd SDE, Dhanbad, who has been denied payment of his DCRG on his retirement due to pending CBI case which has been prolonging for more than 18 years now, for sympathetic consideration.

2. He had paid Rs.33742/- first as directed by the Custodian appointed for survey and submission of report for installation of WLL and then Rs.44872/- the presumptive loss as calculated by the CBI in April 2006. Based on BSNL letter No.38-17/2019-Pen (B) dated 09.07.2020, wherein it had been quoted from Rule 9 of CCS (Pension) Rules 1972 that “the President reserves the right of withholding a pension or gratuity,, or both, either in full or in part, or withdrawing a pension I full or in part, whether permanently or for a specified period, and or ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government, if, **in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service**”, Jharkhand Telecom Circle referred his case to Corporate Office for release of DCRG while VC is pending due to court case.

3. Establishment Section of BSNL CO vide its letter No. 48-4/2021-Pen (B) dated 23.03.2021 had however replied that DCRG cannot be released until conclusion of judicial proceedings and issue of final orders, quoting Rule 68 and Rule 69 of CCS (Pension) Rules, 1972.

4. We feel that it cannot be said that the above quoted Rules of CCS (Pension) Rules, 1972 are contradictory to each other. Different courts have observed in their judgements that "mere pendency of the criminal or judicial proceedings would not authorize the employer to withhold gratuity. it is clear that the said exercise of power cannot be mechanical but has to be utilized looking to the nature of offence alleged against the employee. Thus, it may be concluded that forfeiture of gratuity on account of and during pendency of any judicial proceeding may generally not be held as lawful exercise of employer's authority." This observation is congruent with Rule 9 of CCS (Pension) Rules 1972 quoted in BSNL letter cited under Reference 1.

5. It is therefore important that the gravity of alleged offence and the presumed loss caused to BSNL are to be taken into account, instead of mechanically withholding DCRG, quoting rules. Since already a huge sum of Rs.78614/- has been recovered as presumptive loss, withholding of entire DCRG due to Shri Prem Shankar Prasad, will be quite unfair.

6. We therefore request you to kindly get the matter reviewed vis-à-vis the nature of offence and pecuniary loss allegedly caused to the department and to render justice to Shri Prem Shankar Prasad, Retd. SDE, Dhanbad, by ordering release of the withheld DCRG.

With regards,

Yours sincerely,



(R.R. Balasubramanian)

General Secretary

Encl: As stated

Copy to: 1. Shri V Srinivas,
Secretary (Pension), DoP&PW
2. Shri Arvind Vadnerkar,
Director (HR), BSNL
3. Shri Kalyan Kishore Singh,
Chief General Manager, Telecom,
Jharkhand Circle.