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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No.AIBSNLREA/CHQ/2026/62 Dated: 26th November 2026

To
Shri Amit Agrawal,
Secretary (Telecom),
Department of Telecommunications,
New Delhi - 110001

Sub: Request for fresh consideration of the case of Shri H.S. Sutaria in view of the recent Supreme Court ruling that pensionary benefits cannot be withheld merely on account of pendency of appeal against acquittal

Sir,

This is with reference to our earlier representation dated 13th July 2026 **[Annexure – B]** requesting reconsideration of the denial of approval for Presidential Order for absorption in BSNL – case of Shri H.S. Sutaria, Retd. JTO, Gujarat Telecom Circle, a decision reportedly taken on the basis of the judgment of the Hon'ble Supreme Court of India in *Bikram Chand Rana vs. Himachal Pradesh Road Transport Corporation*. We had then submitted that "**the factual and legal context of that judgment is entirely different from the case of Shri Sutaria**."

2. We respectfully submit that the **issue now requires fresh consideration in the light of a very recent judgment (16.11.2026) of the Hon'ble Supreme Court of India [Annexure – A] which directly deals with the effect of pendency of an appeal against acquittal on the release of retirement benefits.**

3. In its judgment in the case of ***Delhi Development Authority vs. Rajender Kumar Sharma & Others***, the Hon'ble Supreme Court of India has categorically held that once the trial concludes in acquittal, the acquittal continues to hold the field unless and until it is set aside in appeal. The Court observed:

> "***In this case, however, the amount has become payable once the trial concluded and resulted in the issuance of final order of acquittal therein.***

An Appellate Court may or may not disturb the same, but until then, the acquittal continues to hold the field."

4. The Hon'ble Court further held:

"***The High Court had rightly held that mere pendency of the appellant's Section 378 Cr.P.C. application (with no stay operating on the Trial Court's judgment), especially since 2017, could not justify withholding the terminal dues of the retired employees after long years of service."***

5. The Hon'ble Supreme Court also emphasized the grave hardship that would be caused to retired employees if pensionary benefits are withheld merely because an appeal against acquittal remains pending. The Court observed:

"Practically speaking, if a superannuated employee (being necessarily of advanced age) were required to await the conclusion of even appellate proceedings against acquittal for an uncertain number of years, it is most probable the pensionary benefits would itself be rendered illusory. They should not have to suffer due to long pendency of such a challenge preferred by the State, particularly when the delay is not attributable to them."

6. The above observations apply squarely to the case of Shri H.S. Sutaria, who was acquitted by the Trial Court on 31.05.2010 and against whose acquittal no stay is in operation. The only factor standing in the way of settlement of his pensionary benefits appears to be the pendency of the appeal for more than 16 years. **The judgment of the Hon'ble Supreme Court now makes it abundantly clear that such pendency cannot by itself constitute a valid ground for withholding retirement benefits.**

7. We would, therefore, request your goodself to kindly have the matter examined afresh in the light of the aforesaid judgment of the Hon'ble Supreme Court and cause expeditious action for issue of the Presidential Order for absorption of Shri H.S. Sutaria in BSNL so that the pensionary benefits due to him are released without any further delay.

With kind regards,

Yours sincerely,

26/11/26

(R.R.Balasubramanian)
General Secretary

Encl: As stated

Copy to: 1. Dr. T.V.Somanathan,
Cabinet Secretary, GoI
2. Smt. Nivedita Shukla Verma,
Secretary (Pension), DoP&PW
3. Shri Shyamal Misra,
Additional Secretary (T), DoT