



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/2026/45

Dated: 13th July 2026

To

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

Sub: Request for reconsideration of the denial of approval for Presidential Order for absorption in BSNL – case of Shri H.S. Sutaria, Retd. JTO, Gujarat Telecom Circle

Sir,

At the outset, we respectfully invite your kind attention to the deep pain, prolonged hardship, and emotional distress being endured by Shri H.S. Sutaria, now 75 years old, who has been waiting for release of his pensionary benefits for nearly fifteen years since his retirement on 31.12.2011. This prolonged suffering continues despite the fact that he was acquitted sixteen years ago, on 31.05.2010, by the Hon'ble District & Sessions Court, Surat.

2. The criminal appeal filed thereafter by ACB Gujarat has remained pending for 16 years without any indication of disposal in the foreseeable future. For the past four years, we have been pursuing this matter relentlessly, with resolution appearing close at times only to recede again for one reason or another. Our last representation dated 30.09.2025, seeking your intervention for his long-pending permanent absorption in BSNL and release of pensionary benefits, is enclosed for ready reference.

3. We may also point out that after his acquittal by Hon'ble District & Sessions Court, Surat, DoT Vigilance Wing examined his case and issued orders vide its No. I-22-II/2019/VC2/Retirement Settlement dated 20.06.2019 for the 'Purpose of release of his final Retirement benefits'. The Vigilance Wing of DoT, vide its No. I-22-31/2020/VC3/MISC dated 27.06.2021, however, did not clear his VC for the purpose of his "Absorption issue of Presidential Order for absorption in BSNL."

It is this issue which has remained unresolved and has been pursued by us continuously for the last four years.

4. After the reported favourable clarification from the Department of Legal Affairs, there was once again genuine hope that this long-pending matter would finally reach a just conclusion. It is therefore deeply disheartening to learn that the proposal for issuance of the Presidential Order for his absorption in BSNL has “not been agreed to”. This unexpected setback has caused immense distress to Shri H.S. Sutaria, who has already endured an extraordinary and painful retired life marked by alternating phases of hope and despair.

5. We understand that the decision is based on the Supreme Court judgment in Civil Appeal No. 14669/2025 pronounced on 07.04.2026. **With due respect, we submit that the factual and legal context of that judgment is entirely different from the case of Shri Sutaria.**

6. The Supreme Court was dealing with a situation where the appellant had been facing **simultaneous departmental and judicial proceedings**, both the proceedings stemming from identical allegations. The **departmental proceedings had ended** with the finding that “*the charges against the appellant were found to be not proved*” but **judicial proceedings were still pending**. In that context, the Court interpreted Rule 69(1)(c) of the CCS (Pension) Rules, which stipulates that “*gratuity shall not be paid so long as either departmental or judicial proceedings are pending*”, and held that the embargo continues so long as **any** proceeding is pending at the time of retirement.

7. However, in the case of Shri H.S. Sutaria, **neither disciplinary nor judicial proceeding was pending on the date of his retirement. The judicial proceeding had concluded long before his retirement with his acquittal on 31.05.2010.** The appeal filed thereafter has not resulted in any stay on the acquittal. The trial court’s order of acquittal remains fully operative unless stayed by the appellate court. Therefore, the judicial proceeding had reached its conclusion, and the embargo under the Rule 69(1)(c) does not survive.

8. This position is explicitly affirmed by the Department of Pension & Pensioners’ Welfare advice communicated by DoT itself to BSNL vide Letter No. 40-18/2019-Pen(T) dated 23.10.2019 [copy enclosed], 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...”

This advice was issued by DoP&PW after careful consideration of all relevant rules and case laws.

9. This is precisely the approach adopted by DoT in the two precedent cases of **Shri Ram Autar Gautam** and **Shri Surender Mohan Taneja**, where Presidential Orders for absorption in BSNL were issued *subject to the outcome of the criminal appeal*, after obtaining an undertaking. Copies of these cases are part of our letter dated 30.09.2025 enclosed again.

10. In light of these clear precedents, the long-standing DoP&PW advice, and the fact that neither disciplinary nor judicial proceeding was pending against Shri Sutaria at the time of his retirement and his acquittal has not been stayed, it is evident that the Supreme Court judgment cited is not applicable to the factual or legal position of his case.

11. We therefore earnestly request you to kindly get the matter re-examined and grant approval for issue of the Presidential Order for absorption in BSNL, enabling release of his long-withheld pensionary benefits. A 75-year-old pensioner should not be made to suffer further when the rules, precedents, and DoP&PW's advice, all support due relief.

With kind regards,

Yours sincerely,

(R.R.Balasubramanian)
General Secretary

Encl: As stated

- Copy to: 1. Smt. Nivedita Shukla Verma,
Secretary (Pension), DoP&PW
2. Shri Deb Kumar Chakrabarty,
Member (Services), DoT
3. Shri Manish Lodha,
Sr.DDG (Estt), DoT