

Corporate Office

5<sup>th</sup> Floor

Labour Establishment (LE) Section

Establishment Branch

TEL: 011-23734364, 23734051 (Fax)



भारत संचार निगम लिमिटेड

(भारत सरकार का उपक्रम)

BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

File No.7-16/2020-LE

dated: 13 .08.2020

To

All Heads of Telecom Circles/  
All Heads of Telecom Districts/  
Other Administrative Units,  
BSNL.

Subject: Regarding erroneous Orders of absorption in terms of Rule 37A of CCS (Pension) Rules- Corrective action thereof

Sir,

I am directed to refer to the subject noted above and to say that in various cases of casual workers, who were transferred to BSNL and thereafter regularized by BSNL on or after 01.10.2000, it has been noticed by the Department of Telecom HQ and BSNL, that their orders of absorption for payment of pension in terms of Rule 37A of CCS (Pension) Rules have been issued after their regularization in BSNL while it was apparent that they were not conferred with temporary status by erstwhile DTS/DTO in terms of Casual Labourer (Grant of Temporary Status and Regularization) Scheme, 1989 read with instructions issued by the Government of India. Accordingly, administrative orders (order of absorption) for payment of pension in terms of Rule 37A of CCS (Pension) Rules have been issued by overlooking statutory rules and Scheme of 1989.

2. Accordingly, the Nodal Ministry viz. Department of Telecom/Government of India vide 120/2020/SNG dated 27.07.2020 has approved the draft for cancellation of such erroneous orders, which is required to be issued by the Director (Estt.) nominated in each Circle/Mtce. Region etc. Copy of approved order is enclosed for circulation and taking necessary corrective action on priority basis.

3. In case, some financial benefits have been extended to ineligible casual workers by treating him/her BSNL absorbed employee, the decision on recovery of financial benefits, if any, may be taken after cancellation of Order of absorption. However, principles of natural justice (i.e show cause notice procedure) may be duly complied with before taking decision on recovery by inter-alia giving due weightage to principles settled by the Hon'ble Apex Court in State of Punjab and other versus Rafiq Masih (White Washer); (2015) 4 SCC 334.

4. The corrective action in terms of directives contained in afore-said ID note of DoT Hqrs, may be taken by respective circle by conducting exercise in consultation



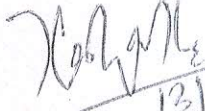
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with Director (Estt.)/DoT, nominated in each Circle. In case, any order has been issued erroneously, the same may be declared ab intio void by the Director (Estt.), nominated in Circle as per above-mentioned approved order under intimation to Department of Telecom HQ and BSNL Hqrs.

5. All SSA/Units/Circles shall carry out this exercise urgently and in a time bound manner within 30 days. GM (HR) or the Circle shall submit a certificate by 30.09.2020 regarding completion of exercise and withdrawal of P.O if found to be issued erroneously.

This has express approval of CMD, BSNL.

Yours faithfully,

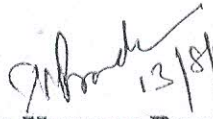
  
13/8/2020  
(Keshav Kumar)

Assistant General Manager (Estt.II)

**Encl. As above**

Copy to:

1. DDG(Estt)/(Personnel), DOT Hqrs, Sanchar Bhawan, New Delhi.
2. PPS to CMD, BSNL.
3. PS to PGM (Personnel)
4. Intranet Portal

  
13/8/2020  
(Sanjeev Kumar Pradhan)  
Dy. Manager (TE)

