

BHARAT SANCHAR NIGAM LIMITED

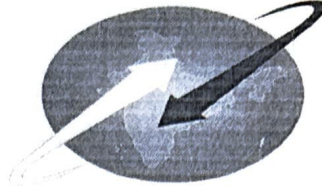
(A Government of India Enterprise)

CORPORATE OFFICE

Establishment Branch

Bharat Sanchar Bhawan

H.C. Mathur Lane, New Delhi-01



BSNL

Connecting Bharat

Securely • Affordably • Reliably

F.No. BSNLCO-A/11(11)/14/2025-ESTAB

Dated: 11.11.2025

To:

All Heads of Telecom Circles &
All Heads of Other Administrative Units
Bharat Sanchar Nigam Limited

Sub: Implementation of Supreme court judgement on the recovery of excess / wrongful payments made to employees in BSNL – Corrigendum.

The undersigned is directed to refer to the letter No. 1-6/2016-PAT(BSNL)/ dated 23.07.2021 on the above cited subject and to inform that the following paragraphs in the letter dated 23.07.2021 stands deleted –

"A careful perusal of the above judgement will show that the Hon'ble Supreme court does not give any relief to employees other than Gr 'C' & 'D' , who are due to retire within one year of the date of order of recovery.

Instances have come to notice that where employees other than Gr 'C' and 'D' are also seeking relief by quoting the Rafiq Masih judgement, which is only meant to aid employees of poor financial status i.e. Gr 'C' & 'D' to whom recovery would be iniquitous.

Therefore, whenever any petition is filed by executive(s), their cases may be defended on individual basis on merits of the case. The relevant facts, may be incorporated while filing the counter affidavit to buttress that Rafiq Masih judgement is not applicable to them."

2. This is issued with the approval of competent authority.

Yours faithfully,

[Sanjeev Kumar]

Asstt. General Manager (Estt. I)

Tel. No. 23037477

Copy to:-

1. PPS to CMD, BSNL, New Delhi.
2. PPS to All Directors, BSNL Board.
3. CVO, BSNL CO, Eastern Court Complex, Janpath, New Delhi.
4. CS & GM (Legal) / All PGMs / Sr. GMs / GMs in BSNL CO New Delhi.
5. Pay Bill / Cash / L&A Section BSNL CO.
6. BSNL Intranet.

Corporate Office
Pension Section, 5th floor
Bharat Sanchar Bhawan
H.C. Mathur Lane,
New Delhi-110001



भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

No. 1-6/2016-PAT (BSNL)/

Dated: 23.07.2021

To

All Heads of Telecom Circles/Telephone Distt./Regions/Projects/
Telecom Stores/Telecom Factories & other Administrative offices.
Bharat Sanchar Nigam Limited.

Sub: Implementation of Supreme Court judgment on the recovery of excess/wrongful payments made to employees in BSNL –reg.

Sir,

At present a large number of cases are reported/received from Circles regarding the recovery of excess/wrong payments made to VRS optees/retired employees in BSNL. These cases are filed for seeking wavier for the excess/wrongful payment made to them, by quoting the Hon'ble Supreme Court judgment in Civil Appeal No. 1157 of 2014 between State of Punjab and other versus Rafiq Masih.

A careful perusal of the above judgment will show that the Hon'ble Supreme Court does not give any relief to employees other than Gr 'C' & 'D', who are due to retire within one year of the date of order of recovery.

Instances have come to notice where employees other than Gr." C and D " are also seeking relief by quoting the Rafiq Masih judgment, which is only meant to aid employees of poor financial status i.e. Gr. 'C' & 'D' to whom recovery would be iniquitous

Therefore, whenever any petition is filed by executive(s), their cases may be defended on individual basis on merits of the case. The relevant facts, may be incorporated while filing the counter affidavit to buttress that Rafiq Masih judgment is not applicable to them.

Regd. & Corporate Office: Bharat Sanchar Bhavan, H.C.Mathur Lane, Janpath, N.D.-110001
Corporate Identity /Number(CIN): 899DL2000GOI107739

www.bsnl.co.in

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Further, in High Court of Punjab and Haryana and ors Vs Jagdev Singh (2016) 14 SCC 267, the Hon'ble Supreme Court held that the principle of non-recovery from retired employees would not apply in the case of an employee put on notice at the time of payment that any excess payment made, would be required to be refunded.

Further it may be noted that though the recovery of over payment in few situations have been termed as impermissible in law by the Hon'ble Supreme Court, the judgment does not in any manner prevent rectification of error, if any, that has occurred during re-fixation of pay of the employees. Hence, it may be ensured that the rectification of the error is carried out without any fail at the earliest and that their terminal benefits including leave encashment, Ex-gratia (in VRS cases), etc., are finalised as per the corrected pay.

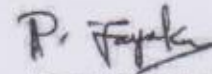
Also, wherever any excess payments has been made on account of fraud, misrepresentation, collusion, favouritism, negligence and carelessness etc., role of those responsible for overpayments in such cases and the employees who benefited from such actions should be identified and disciplinary/criminal action should be initiated in appropriate cases for the loss caused to BSNL.

In this connection already detailed instructions have been conveyed to all circles vide this office letters of even No. dated 09/09/2016, 23/03/2017, 19/09/2017 and 04/03/2020.

Therefore Circles are requested to defend the Court Cases pertaining to the excess/wrongful payment in accordance with the above instructions.

This issues with the approval of the Competent Authority.

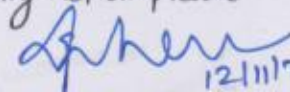
Yours faithfully,

 23.07.2021

(P. JAYAKUMAR)

Dy. General Manager (Estt.-I)

Endt. No:-KRLCO-11/14(19)18/2025/25 dated at TVPM the 12/11/2025
Copy to:- ALL BA Heads, CE(Civil)/Elect. for information and necessary action please.

 12/11/25

सहायक महाप्रबन्धक (बिचिक)
Assistant General Manager (Legal)
मुख्य महाप्रबन्धक का कार्यालय
Office of the Chief General Manager
बी एस एन एल, कोरल परिमंडल

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