



BHARAT PENSIONERS' SAMAJ

ESTABLISHED IN : 1955

(All India Federation of Pensioners' Associations)
(Registered No. 2023 of 1962-63)

Member International Federation on Ageing. Montreal (Canada)

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No: BPS/BDPA (I)/TN/SC-ST/2020

Dated 26st August, 2020

EMAIL

To:

Hon'ble Shri Ravi Shankar Prasad,
Minister of Communications,
Sanchar Bhawan, New Delhi 110001

Sub: Alleged Harassment to SC/ST Employees – VRS 2019 Optees – by the C.G.M. Tamilnadu Circle, in delaying the pensionery benefits – A request to conduct full-fledged inquiry against the administration of CGM TN Circle for deliberate indulging in undemocratic act and violating ministry of Law & Social justice orders and save the administration from further harassment.

Hon'ble Sir,

1. Sir, we enclose herewith a copy of our letter dated 1st June, 2020 on the captioned subject and write to state that no actions have so far been taken by your office in the matter. We further enlightening you in detail how ill-motivated designed plan has been drawn by the administration to harass the ST Employees of TN Circle, keeping aside all standard rules and regulations of the Govt. of India.
 - a. We wish to bring to your kind notice our apprehension how notorious group having bias minded against ST community has deployed their position to harass the ST employees.
 - b. That in the year 2014, based upon the paper news, the Liaison officer / Circle Administration issued instructions to all SSA heads not to sanction terminal benefits at the time of the superannuation of ST employees, if the verification report of their community certificates are pending from the SLSC or DLSC. This instruction has been issued **without any direction or authority from the Government i.e. DOPT, DOT, BSNLCO etc.,**

- c. Copy of communicated dated 18.06.2014, by Shri A. Natesan, Liaison officer,(SCT), O/o CGM Tamilnadu Circle is enclosed herewith in support of our say in above Para. In the cited news paper cutting, reported judgment does not relate to CGM TN office or BSNL.
 - d. *We are agonized and rather surprised to see that a responsible officer of the CGM Office without taking approval of competent authority, on his own accord issued such notification.*
 - e. Further if at all, there was an iota of doubt, it was obligatory on the part of the CGM Tamilnadu to seek approval of BSNL Corporate Office or Ministry of Law. This is sufficient proof to prove our say of harassment to ST Employees.
 - f. Second option available to CGM TN Circle was to move his office and get verified such Certificate by deputing his liaison officer, though there no justification to think in this line.
 - g. The administration did not move the matter with competent authorities that it will not cut any ice since the BSNL has to deal with state government, the employees were directed once and then after kept silent for more than six years.
 - h. It will be interesting to note that in the press cutting, there was no relativity of BSNL Employees, nor BSNL either at Circle or Corporate level cited as party, the reported judgement was made applicable **unauthorizedly** with clear intention to harass the ST employees.
 - i. Till date, the corporate office has not endorsed the action of the CGM Tamilnadu action to revert to news paper news and follow the paper news.
 - j. We have gone through the news item and are satisfied and come to a conclusion that mere with intention to harass the ST Employees, the said action was initiated.
 - k. Had there been no bad intention, SC employees would have been also asked for similar action. But this has not been done, which reflects mind set of the administration.
2. When VRS 2019 scheme was announced by BSNL, the CGM administration took a stand to reject their application.
 3. We strongly protested and brought the issue to the notice of Corporate Office and thereafter their options were accepted.

4. Sir, we have brought to your kind notice that the fact that when we are passing through very crucial period facing endemic of CORONA-19, how the employees can move and who will be there to listen to them.
5. Even in Lock Down period Corporate Office, DoT Office and all CGMs were working with limitations and the work of employees. And as such all were given provisional pension.
6. We furnish extracts from the meeting where similar issue of Tamilnadu Circle was discussed in the office of the CGM Tamilnadu.
 - ii. The verification of the community certificate was implemented a long back. But the reasons for verification of the certificate at the end point of his retirement have not been brought out by the referring Department. Moreover, the Department should have pursued the matter with the competent authority for verification of the certificate before his retirement. Further the burden of proof of verification of the said certificate lies with the Department and not upon the Govt. Servant. Therefore, pending verification of the community certificate cannot be construed as initiation of departmental or judicial proceedings against the employee. Thus since no departmental or judicial proceedings are pending against the employee, withholding of his retirement benefits is not permissible and it would be a case of harassment to the pensioner. However, if the pensioner is found guilty of grave misconduct or negligence for the same, necessary action under Rule 9 of the CCS (Pension) Rules, 1972 could be initiated.

It seems that to cope with similar issue, the o/o CPMG has followed its own course to get itself satisfied and not revert to harassing its employees. **Then why double standard under same ministry under your control.**

7. Sir, now when the office of CGM TN circle has slept for more than thirty years ignoring to ensure that his services were appointed with due procedure; and when all have worked and opted to retire, he has issued order to verify the correctness of their caste certificate.
8. We need write to state that there are enough provisions available in rules to take any action even an employee is retired and getting pension, if his any fault is established.
9. We have provided an extract of Supreme Court's judgement / observation dated 20.08.2013 regarding withholding of pension or terminal benefits due to pending proceedings. The contents are self-explanatory, and needs no further elaboration. There are several other judgements also from the Apex court on this subject and the same is not denying the terminal benefits just because of the pending proceedings.
 - a) In the case of our circle with regard to the settlement of terminal benefits of ST community employees who were relieved on 31.01.2020, there are

no pending disciplinary or judicial proceedings to withhold the terminal benefits.

- b) In fact the disciplinary proceedings should be initiated against those appointing authorities who have failed to verify the genuineness of the community certificate before appointment or immediately after appointment even if they are already retired under Rule 9 of CCS (Pension) Rules 1972.
- c) Further regarding payment of leave encashment also the judgement and the GOI decision (5) 2 (f) below Rule 68 of CCS (Pension) Rules 1972 is very clear that the same is not a pensionary benefit, but the benefit under CCS(leave) Rules and therefore it cannot be denied as pensionary benefits. There is no place for any personal opinions or views of the powers that be in Govt. service to deny these benefits to such employees.
- d) We therefore, request you to kindly have a fresh look at the issue in view of the DOT's orders dated 05.12.2018 and 29.03.2019 and to release all terminal benefits, which are withheld for want of verification reports from the State Government on the genuineness of the community certificates of the retired on superannuation and VRS-2019 Optees without any delay.
- e) At the same time we would also like to bring it to the notice failure of the CGM, BSNL, Tamilnadu circle that no verification of the genuineness of the community certificates is done for SC community officials either at the time of initial appointment or at every stage of upgradation in their careers is done and all benefits including terminal benefits are given like any other retirees of the communities other than SC/STs.
- f) We had made requests to the CGM to kindly cause withdrawal of the letter issued in the year 2014 to all SSAs by the Liaison officer of SCT Cell, Tamilnadu circle, based on the news item appeared in a Tamil Daily (Dinathanthi). We hope that the CGM will look into the cases dispassionately and order grant of terminal benefits to the retired employees of ST community as per the instructions of the DOT and also the DOPT.
- g) Their VRS Options have been accepted but deprived of all pensionary benefits and as such this submission.

Even now, when the present administration is supporting the same set of people who wre/are active in harassing ST Employees, we request to kindly inquire in the matter and brings the culprits to book so save the

administration from being victim of such elements and tarnishing the image of the BSNL. Sir, having failed on all counts to get justice, we have only hope and aspiration in you that with your sympathetic consideration and your spirit to always help the employees/pensioners, we will be able to get justice.

We are eagerly waiting for your blessings awarding justice to the aggrieved pensioners and expect the issuance of orders for all VRS 2019 ST Employees to give them due retiring benefits. Expecting your judicious and sympathetic decision,

With Regards,

Yours Sincerely,



(D.D. MISTRY)

Secretary BSNL/PSU

Bharat Pensioner Samaj.

Copy to:

1. Shri Jitendra Prasad, MOS, PM House, New Delhi.
2. The Secretary, DOPPW, New Delhi.
3. The CMD BSNL New Delhi.
4. The SG Bharat Pensioner Samaj, New Delhi.
5. The Secretary, DoT, New Delhi