



# ALLINDIA BHARAT SANCHAR NIGAM LIMITED EXECUTIVES' ASSOCIATION

Central Headquarters  
New Delhi-110001

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No. AIBSNLEA/CHQ/DIR(HR)/2020

Dated 18.06.2020

To,

**The Director(HR),**  
BSNL Board,  
New Delhi -110 001

**Subject: Request for issuance of clarification for non recovery of Pay & allowances already paid to the Ex. Officiating JTOs of M.P.Circle in pursuance to the Judgement. Hon'ble Supreme Court- Reg.**

**Ref:** 1) DGM (P&EF),O.o CGMT, MP.Lr.No.AP-04-01/2019-20/O/P due drawn/ch-III/4  
Dated 14.1.2020.  
2) AGM(Estt-I), BSNL Co.Lr.no.1-06/2016-PAT(BSNL) Dated 1.5.2019.

**Respected Sir,**

We would like to draw your kind attention on the above cited subject. In this regard, kindly find enclosed herewith the letter addressed to BSNL CO by the DGM (P&EF),O/o CGM, Madhya Pradesh Circle sought clarification for non-recovery of Over/Excess payment paid to the erstwhile Officiating JTOs opted for VRS citing Hon'ble Supreme Court Judgement.

In this regard, it is pertinent to mention that the Hon'ble Supreme Court ordered in CA no.11527 of 2014( State of Punjab & Others Vs Rafiq Masih) that "**recovery from Retired employees or Employees who are due to retire within one year, of the order of recovery**" would be **impermissible in Law**. The same Judgment was endorsed by the Establishment section of BSNL Corporate Office to all field units vide ref (2) dated 1.5.2019.

Sir, In view of the foregoing, we would request your good self to kindly intervene in the matter and cause to issue necessary instructions to the officer concern for issuance of further clarification in this regard with reference to the above said Hon'ble Supreme Court to M.P Circle

With kind regards,

Encls: As above

Yours sincerely,

**(S.SIVAKUMAR)**  
General Secretary

**Copy for kind information and necessary action to:**

**1. Shri Shri Saurabh Tyagi, Sr.GM(Estt), BSNL CO, New Delhi -110001**