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SH SAURABH TYAGI,  
SR GM (ESTT) & Appellate Authority RTI  
ROOM NO. 510, 5<sup>th</sup> floor  
Bharat Sanchar Bhavan  
Harish cchandra Mathur Lane  
Janpath, New Delhi 110001

Date: 14-05-2019

**Sub: Appeal for non compliance of Information  
under Right to information Act 2005**

Dear Sir,

I Sri Amit Kumar Gupta son of Late Jyotilal Gupta resident of 1/4 Rajendra Banerjee Road, Behala, Calcutta 700034, Telephone number 033 23464646, Mob 9433000088 wish to draw your attention to the fact that the RTI application dated 27-02-2019 has not been replied properly. In the reply dated 16-04-2019 (Received by me on 19-4-2019) in response to points nos 2 to 5 , it has been simply informed that "no such information is available in this office".

I have submitted the RTI application for getting the information on whether the Judgement of the Apex Court mentioned in my application has been implemented in BSNL for its pensioners. If information is not available in CO, then it could have been collected from circles or the circles could have been asked to supply the informations sought directly to me, but nothing is done and the responsibility of furnishing the information on this vital issue has been avoided.

Sir, the reality is that the Jusgement has not been implemented in any circles and the applications submitted by pensioners for waiver of the deducted amount in circles are simply lying. The copies of such applications submitted in CO office Establishment section are also perhaps dumped. The pensioners are still suffering and amounts are continued to be deducted at the time of retirement in almost all circles.

I therefore request you to kindly review the issue and kindly instruct to supply information as asked in points 2 to 5., after collecting the same from the circles or the circles may be asked to supply the information as per the provisions of RTI.

Thanking You,

Yours Sincerely

  
(Amit Kumar Gupta)

1/4 Rajedra Banerjee Road

Behala, Kol 700034

Mob: 9433000088, e mail : [sdebhl@yahoo.co.in](mailto:sdebhl@yahoo.co.in)

Enclosure: 1) My original application dated 27-02-2019  
2). The reply send to me without furnishing the information asked  
vide 13-2/2019-Estt III dt 16-04-2019

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SH SAURABH TYAGI,  
SR GM (ESTT), BSNL  
ROOM NO. 510, 5<sup>th</sup> floor  
Bharat Sanchar Bhavan  
Harish chandra Mathur Lane  
Janpath, New Delhi 110001

Date: 27-02-2019

**Sub: Request for Information under Right to information Act 2005**

Dear Sir,

I Sri Amit Kumar Gupta son of Late Jyotilal Gupta resident of 1/4 Rajendra Banerjee Road, Behala, Calcutta 700034, Telephone number 033 23464646, Mob 9433000088 wish to seek information as under.

Hon'ble Supreme Court of India vide its judgement on CA 11527 of 2014 delivered on 18-12-2014 observed that recoveries at the time of retirement for following instances would be impermissible in law:

- (i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).
- (ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.
- (iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.
- (iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.
- (v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh, or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.

Subsequently DOP&T vide no 18/03/2015-Estt (Pay-I) dated 2<sup>nd</sup> March 2016 (Copy Enclosed) has circulated the judgement for further action

Under this backdrop kindly inform :

- 1) *Whether the said order of Supreme Court and the order of DOP&T dated 2-3-2015 has brought to the personal notice of all the officers working in pension cells of various circles and dealing with settlement of pension and pensionary benefits.*
- 2) *Number of application received by BSNL circle wise so far for waiver of the deducted amount at the time of retirement.*
- 3) *Number of cases where waiver has been actually ordered so far and deducted amount refunded to pensioners . circle wise.*

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4) Total number of cases circle wise from 2015 to 2018 where deductions have been made from pensionary benefits at the time of retirements for wrong fixation etc.


5) Total number of cases circle wise from 2015 to 2018 where pensioner has been asked to deposit some amount as overdrawn amount before settlement of pensionary benefits at the time of retirements for wrong fixation etc.

I, inform that following formalities have been completed by me

- a) I have attached the requisite fee of Rs 10/- in form of Postal Order no 07 F 666508
- b) I am a citizen of India and asking the information as citizen
- c) I assure that I shall not allow/ cause to use/ pass/share/display/ or circulate the information received in any case and under any circumstances, with any person or in any manner which would be detrimental to the Unity and Sovereignty or against the Interest of India.

Thanking You,

Yours Sincerely

  
27/2/19

(Amit Kumar Gupta)

1/4 Rajendra Banerjee Road

Behala, Kol 700034

Mob: 9433000088, e mail : [sdebhl@yahoo.co.in](mailto:sdebhl@yahoo.co.in)

Enclosure: ~~Four~~ IPOs as mentioned above.

(स्थापना-III अनुभाग)

पाँचवाँ तल, निगम कार्यालय, नई दिल्ली

फोन: 23310401 फ़ैक्स: 23725255



भारत संचार निगम लिमिटेड

(भारत सरकार का उद्यम)

No.13-2/2019-Estt.III

Dated: 16.04.2019

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Sh. Amit Kumar Gupta,  
1/4, Rajendra Banerjee Road,  
Behala, Kolkata- 700034

Sub: Supply of information under the provisions of Right to Information Act, 2005.

Kindly refer to your RTI application bearing registration Nos. BSNLD/R/2019/00127 dated 15.03.2019. In this regard reply received from the concerned section of Establishment Branch of BSNL Corporate Office is enclosed herewith as Annexure -A.

In case you are not satisfied with this reply, you may appeal to the Appellate Authority of Establishment Branch with in stipulated period prescribed in the RTI Act.

Name : Shri Saurabh Tyagi  
Designation : Sr. General Manager (Estt.), BSNL, Corporate office.  
Address : Room No. 510, Bharat Sanchar Bhawan,  
Janpath Road, New Delhi 110001.


16.4.19

(G.P.Vishnoi)

CPIO & Assistant General Manager (Estt.III)  
011-23310401

0/1  
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भारत संचार निगम लिमिटेड (भारत संचार का उपक्रम) कारपोरेट ऑफिस पी ए टी अनुभाग		<b>Bharat Sanchar Nigam Ltd.</b> (A Government of India Enterprise) Corporate Office (PAT Section) 5 <sup>th</sup> Floor, Bharat Sanchar Bhawan , Janpath, New Delhi 110001
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Sub: Supply of information under provisions of RTI Act, 2005 - Case of Shri Amit Kumar Gupta (BSNLD/R/2019/00127 dated 15.03.2019).

With regard to above referred RTI application, the reply in respect of Point 1 - 3 is given as under:-

Point 1: Guidelines regarding recovery of excess /wrongfull payments made to employees have been circulated vide this office letter No. 1-06/2016-PAT(BSNL) dated 09.09.2016 (copy enclosed) and subsequently further instructions have also been issued.

Point 2 to 5: No such information is available in this office.

  
16/4/19  
Asstt. General Manager (Estt. I)  
Tele.No.23037477

AGM (Estt.III), BSNL C.O. New Delhi  
U.O. No. 19-02/2019-PAT (BSNL) dated 16.04.2019.