

SH SAURABH TYAGI,
SR GM (ESTT), BSNL
ROOM NO. 510, 5th floor
Bharat Sanchar Bhavan
Harish cchandra 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 2nd 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.**

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


(Amit Kumar Gupta)
1/4 Rajendra Banerjee Road
Behala, Kol 700034
Mob: 9433000088, e mail : sdebhl@yahoo.co.in
Enclosure: ~~Four (4)~~ IPOS as mentioned above.