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भारत संचार निगम लिमिटेड

(भारत सरकार का उपक्रम)

BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

PENSION SECTION

No.38-30/2013-Pen.(B)

Date: 01-09-2014

To

All Heads of Telecom Circles/Telecom District/
& Other Administrative Offices/Telecom Stores/Telecom Factories.
Bharat Sanchar Nigam Limited.

SUB: Release of Pension, and pensionary benefits in view of the judgement dated 14.08.2013 of the Hon'ble Supreme Court in the CA No. 6770 of 2013- State of Jharkhand & others (Appellants) V/s Jitendra Kumar Shrivastava & Another (Respondent).

Sir,

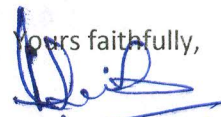
We have been receiving large number of representations from various Circles/Unions/Association and provisionally retired employees requesting for releasing of pension and pensionary benefits on the basis of the judgement dated 14.08.2013 of the Hon'ble Supreme Court in CA No. 6770 of 2013- State of Jharkhand and Ors. Vs Jitendra Kumar Srivastava & Another.

2. DOT with whom the matter was taken up, has examined it in consultation with the DOP&PW. It has been pointed out that in accordance with Sub Rule (4) of Rule 9 read with sub-rule 19 (C) of Rule 69 of CCS Pension Rules, a government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are pending, no gratuity shall be paid till conclusion of the departmental or judicial proceedings and issue of final orders thereon. Whereas the Supreme Court order dated 14.08.2013 was considered under the provisions of Bihar Pension Rules where there is no provision for withholding of gratuity. Therefore, the judgement dated 14.08.2013 is not applicable for government servants covered under the provisions of CCS (Pension) Rules.

3. Since the retired BSNL absorbed employees also receive pensionary benefits under the provisions of CCS (Pension) Rules 1972, I am directed to inform that the above-said judgement dated 14.08.2013 would not be applicable in their case also.

4. This issues with the approval of competent authority.

Yours faithfully,


01.9.2014

(A.Sinha)

Asstt. General Manager (Estt.-1)

Tele. No. 23037477.