



SANCHAR NIGAM EXECUTIVES' ASSOCIATION

KERALA CIRCLE

(Recognised Majority Association of Executives in BSNL)
SNEA Bhavan. Dharmalavam Road. TVM-695001

Circle President
George Varghese
DGM, Ernakulam
Mob: 9447162900

Circle Secretary
T.Santhosh Kumar
AGM, Trivandrum
Mob: 9446072525

Circle Treasurer
Suneer.S
AO, Circle Office
Mob: 9447341693

No.SNEA/Kerala/2018-19/II/68 dated 13/12/2019

To

The Chief General Manager (Telecom)
BSNL, Kerala Circle
Thiruvananthapuram

Sir,

Sub: Recovery from pay of erstwhile officiating JTOs on account of purported over payment.

Ref: Hon. High Court of Kerala order dated 11-12-2019 in OPCAT 99/2019 against order of Hon. CAT Ernakulam in RA39/2015 and connected cases.

Kindly recall the discussion we had with Circle administration in the chamber of GM HR on the above subject wherein it was suggested by the Associations to keep the recovery pending in the light of order of Hon. PCAT and further clarification from corporate office. It was agreed to consider the suggestion to keep the recovery pending in consultation with the CGMT.

Now Hon. High Court of Kerala in OPCAT 99/2019 filed against the order in RA 39/ 2015 in OA 1056/2012 and connected cases has passed an interim stay on recovery until the original petition is disposed off. The connected RA/ OA before the Hon. High court are as follows.

R.A.No.180/00030/2015 in O.A.No.1022/2012, R.A.No.180/00035/2015 in O.A.No.1066/2012, R.A.No.180/00036/2015 in O.A.No.1071/2012, R.A.No.180/00037/2015 in O.A.No.1078/2012, R.A.No.180/00038/2015 in O.A.No.1061/2012 & R.A.No.180/00039/2015 in O.A.No.1056/2012.

The Hon. High Court has passed an interim stay on recovery initiated pursuant to order in RA 39/2015 and connected cases as above of Hon. CAT Ernakulam. **It is pertinent to note that Hon. High Court has not restricted the stay on recovery to the applicants alone before in the present OPCAT 99/2019 but passed an interim stay on recovery proceedings initiated pursuant on order in RA 39/ 2015 and connected cases.** It is brought to your kind notice that all affected officiating JTOs were party to the connected cases as mentioned above and naturally the order passed by Hon. High Court is squarely applicable to all the Officiating JTOs . Hence it is requested to keep the recovery pending in respect of all JTOs (erstwhile officiating) in the light of the above order as well as order from Hon. PCAT New Delhi as we have already pointed out earlier. Further it is reiterated that some of the action of the Administration is forcing the employees for multiple litigation though the staff were advised by the Management to avoid litigation in resolving HR issues. Basically many litigations are wastage of man power and money both for the employee as well as the organisation. In the present case since the BSNL circle management has tried its level best to proceed with the recovery by engaging Senior Advocate in the case without success, it is once again requested to keep the recovery pending against all JTOs involved to avoid multiple litigation and wastage of precious money and man power during this period of financial crisis as well as man power reduction.

With kind regards,

Sincerely Yours

T.Santhosh Kumar
Circle Secretary, SNEA Kerala

Copy to: GM HR, Kerala Circle