



SANCHAR NIGAM EXECUTIVES' ASSOCIATION KERALA CIRCLE

(Recognised Majority Association of Executives in BSNL)
SNEA Bhavan, Dharmalayam Road, TVM-695001

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No.SNEA/Kerala/2018-19/II/70

dated 16/12/2019

To

The Chief General Manager (Telecom)

BSNL, Kerala Circle

Thiruvananthapuram

Sub: Recovery from Pay and withholding of pensionery benefits of officials-reg:

Ref:

- 1) AGM(HR)/Pay Anomaly/JTO(o)fixation/2013/Pt/10 dated at TVM-33 the 13/12/2019
- 2) This Assn letter No: SNEA/Kerala/2018-19/II/68 dated 13/12/2019

Sir,

It is really surprising that the letter under reference 1. has been issued by the circle administration in total misinterpretation of the court order which is very clear and without any ambiguity. The stay order is not limited to the applicants and it is not for a short period as mentioned in the letter. The stay order is till the disposal of the original application. This order was passed by Hon. High Court of Kerala in OP CAT 99/2019 filed against the order in RA 39 /2015 in OA 1056/2015 and connected cases of Hon. CAT Ernakulam. As we have already pointed out and requested as per the letter under reference 2 the order should have been extended to at least to all affected officials in the connected cases if not to all. But surprisingly the circle office has decided to with hold even the pensionery benefits of the official who has approached the Hon. High Court for justice which is a fundamental right available to all citizen. Even Director (HR), Corporate Office in his message dated 23/11/2019 stated that "*Management is also working with the objective that the dues of employees are paid in timely manner including Leave encashment.*" In this connection it is pertinent to point out that when Hon. PCAT New Delhi passed an order in favour of the applicants the BSNL corporate office has generalised the stay order on recovery in order to avoid multiplicity of litigation. As per the interim order, Administration may take immediate action to implement the same in the salary of November-2019 onwards, as the salary is not paid to the officials till date. It is seen that recovery of payments is made in the payslips of November-2019 in some of the BAs. It has to be regularized while disbursing the salary of November onwards as per the interim order. The letter referred (1) above of Circle Administration will leads to multiple litigation resulting wastage of precious human resource and financial resources.

It is once again requested to not to proceed in utter violation of the order of Hon. High Court and extend the benefits of the order to all similarly placed officers and not to venture into with holding of pensionary benefits in guise of the court order which is non exist.

With kind regards,
Sincerely Yours



T.Santhosh Kumar
Circle Secretary, SNEA Kerala

Copy to:

1. Shri. Sathesh R. GM(HR/Admn), O/o CGMT, Kerala Circle for information and n/a please.
2. Shri. K.Sebastin General Secretary, SNEA CHQ for information please.