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भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

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F.No.1-15/2019-PAT(BSNL)-Part 3

Dated : 30.01.2020

To,
All Heads of Telecom Circles/Projects/Region &
Other Administrative Units of BSNL

Sub: Methodology to deal with cases of VRS optee officials in whose cases currency of penalty is completing after 31.01.2020- Regarding.

Sir,

While processing the VRS options of officials under BSNL VRS-2019, it has come to the notice that there are many officials, in whose disciplinary cases final order has already been issued or will be issued before effective date of Voluntary Retirement (VR) i.e. 31.01.2020 but their currency of penalty will not be completed before the effective date of Voluntary Retirement (VR). No guidelines for dealing with settlement of retirement benefits of such affected officials are available.

2. In order to streamline the settlement of retirement benefits of officials in r/o whom currency of penalty will not be completed before the effective date of VR i.e. 31.01.2020, Management Committee of the BSNL Board in its meeting held on 21.01.2020, as a onetime measure and treating them as a special case, has approved the following methodology for dealing with various types of Minor and Major penalties provided in BSNL CDA Rules and their effect on VR optee official and recovery to be made in cases of ongoing punishment not completing before 31.01.2020:

Sl. No.	Description of Penalty	Methodology of Implementation on VRS Optee
Minor Penalties		
1	Censure	No effect
2	Withholding of Promotion	No effect. Optee will retire in his/her present grade.
3	Withholding of Increment	
	(i) without cumulative effect	(a) All benefits shall be worked out on the basis of notional pay as on effective date of VRS-2019 i.e. 31.01.2020 assuming there is no penalty. (b) Amount to be recovered shall be worked out as a difference of salary to be paid (Basic + DA) as if there is no penalty less salary to be paid with penalty for the period since effective date of VRS-2019 i.e. 31.01.2020 till would be end of currency period.
	(ii) with cumulative effect	(a) All benefits shall be worked out on the basis of actual pay as on effective date of VRS-2019 i.e. 31.01.2020, considering penalty is in currency. (b) No further recovery from any amount due to the employee.
4	Recovery of Pecuniary Losses	(a) All benefits shall be worked out on the basis of actual pay as on effective date of VRS-2019 i.e. 31.01.2020 assuming there is no penalty. (b) Full amount ordered to be recovered shall be recovered from any amount due to the employee.
5	Reduction to a lower stage in the time scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension/terminal benefits.	Case shall be regulated as in case 3(i) above.

30/1/2020

Major Penalties	
1	Reduction to a Lower stage in the time scale of pay, with further direction as,
(i) employee will earn increment during the period of such reduction and on expiry of such period, the reduction will not have effect of postponing future increments of pay.	(a) All benefits shall be worked out on the basis of notional pay as on effective date of VRS-2019 i.e. 31.01.2020 assuming there is no penalty. (b) Amount to be recovered shall be worked out as a difference of salary to be paid (Basic + DA) as if there is no penalty less salary to be paid with penalty for the period next to effective date of VRS-2019 ie 01.02.2020 till would be end of currency period.
(ii) employee will not earn increment during the period of such reduction and on expiry of such period, the reduction will not have effect of postponing future increments of pay.	(a) All benefits shall be worked out on the basis of notional pay as on effective date of VRS-2019 ie 31.01.2020 assuming there is no penalty. (b) Amount to be recovered shall be worked out as a difference of salary to be paid (Basic + DA) as if there is no penalty less salary to be paid with penalty for the period next to effective date of VRS-2019 ie 01.02.2020 till would be end of currency period.
(iii) employee will earn increment during the period of such reduction and on expiry of such period, the reduction will have effect of postponing future increments of pay.	(a) All benefits shall be worked out on the basis of actual pay as on effective date of VRS-2019 ie 31.01.2020, considering penalty is in currency. (b) No further recovery from any amount due to the employee.
(iv) employee will not earn increment during the period of such reduction and on expiry of such period, the reduction will have effect of postponing future increments of pay.	(a) All benefits shall be worked out on the basis of actual pay as on effective date of VRS-2019 ie 31.01.2020, considering penalty is in currency. (b) No further recovery from any amount due to the employee.
2	Reduction to a lower time scale of pay, grade, post or service which shall ordinarily be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced, with or without further direction regarding conditions of restoration to the grade or post from which the employee was reduced and his seniority and pay on such restoration to that grade or post.
	(a) In case where the punishment order states that the Pay will be restored after currency of the punishment, then the case shall be regulated as in case 3(i) above of minor penalties. (b) In case where the punishment order states that the Pay will not be restored after currency of the punishment, then the case shall be regulated as in case 3(ii) above of minor penalties.
3	Compulsory Retirement / Removal from service / Dismissal from service
	The order of any of such penalty shall be implemented as per existing instructions. No VRS-2019 to such employees.

(3) Administrative order for recovery from affected VRS Optees, as per methodology given above shall be issued by the following authorities:

Cadres	Authority competent to issue order for recovery
SSA level Cadres	SSA Heads
Circle Level Cadres	CGMs of the concerned circle
All India Cadre	CGMs of the concerned Circles for employees posted in Circles. Cadre Controlling Authorities for employees posted in BSNL Corporate Office

Necessary action in these cases may please be taken accordingly.

Yours Sincerely,

(C.P. Vishnoi)
Asstt. General Manager (Estt.-III)

Endst:-CGMT/MH/A/Estt/HRD-II/VRS-2019/2019-20/Part File-II/8 dtd. 30/01/2020

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Ref:- BSNL Corporate Office, New Delhi Letter No. 1-15/2019-PAT(BSNL)-Part 3 dtd.30/01/2020.

Endorsed to All Business Area Heads/SSA Heads/Unit Heads:- For information and necessary action please.

Assistant General Manager (Estt.)
BSNL, MH Circle, Mumbai-54.