

BHARAT SANCHAR NIGAM LIMITED

[A Government of India Enterprise]



CORPORATE OFFICE

Establishment Cell
Bharat Sanchar Bhawan
H.C.Mathur Lane, New Delhi

No.1-06/2016-PAT(BSNL)

Dated

1st May,2019

To
All Heads of Telecom Circles/ Telecom Districts/Regions/
Projects/Telecom Stores/Telecom Factories & Other Administrative Offices,
Bharat Sanchar Nigam Limited.

Sub: Implementation of Supreme Court judgment on recovery of excess/ wrongful payments – Need for ensuring 100% error free pay fixation method and Post Audit of Pay Fixation – reg.

Sir,

I am directed to refer to this office letter No. 1-06/2016-PAT(BSNL) dated 09.09.2016, 23.03.2017, 08.05.2017, 19.09.2017 & 08.03.2018 wherein instructions were issued on the procedures to be followed in the matter of implementation of Supreme Court judgment on recovery of excess/ wrongful payments made to employees in BSNL.

A kind reference is also invited to this office letter No.1-09/2016-PAT(BSNL) dated 23.09.2016 and letter No.1-06/2016-PAT(BSNL) dated 15.11.2018 wherein instructions were issued for conducting post audit of every pay fixation on account of promotion, up-gradation and pay revision etc., of employees, invariably by an officer not below the rank of AGM/ CAO of Finance Wing not connected with the channel of submission of pay fixation related work and that each Circle IFA shall send a certificate to DGM (Estt), BSNL CO ND by 31st July of every year to the effect that all pay fixation cases of the Circle during the previous financial year have been got post-audited.

However, it is observed that even after repeated instructions from this office to ensure correctness of the pay fixation of the employees by implementation of a checking & counter-checking mechanism for pay fixations in respect of all employees, many of the circles do not seem to have complied with the same, leading to heavy financial loss to BSNL which otherwise could have been avoided. Hence a robust mechanism shall be put in place by all Circles for strict adherence of Hon'ble Supreme Court order in CA No.11527 of 2014 (State of Punjab & ors Vs Rafiq Masih (White Washer)) as depicted below and instructions issued by this office from time to time in order to prevent any further loss to the BSNL.

The Hon'ble Supreme Court while observing that it is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement has summarized the following few situations, **wherein recoveries by the employers would be impermissible in law:**

- I. **Recovery from employees belonging to Class-III & 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.**

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