

<p>भारत संचार निगम लिमिटेड (भारत संचार का उपक्रम) कारपोरेट ऑफिस पी ऐ टी भाग</p>		<p>BHARAT SANCHAR NIGAM Ltd. (A Government of India Enterprise) Corporate Office, (PAT SECTION) 5th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi – 110 001.</p>
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No.1-6/2016-PAT (BSNL)

Dated: 08.3.2018

To

**All Heads of Telecom Circles/Telephone Distt./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 made to employees in BSNL - reg.

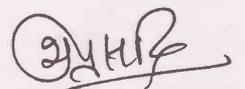
Sir,

I am directed to refer to this office letter of even no. dated 19.09.2017 vide which broad guidelines were issued to deal with implementation of Supreme Court judgment in State of Punjab and Ors. Vs. Rafiq Masih (White Washer) in CA no. 11527 of 2014 on recovery of excess/wrongful payments made to employees.

2. This office is in receipt of query from Punjab seeking clarification on Point no. 3(a) of letter ibid especially as to interpretation of crucial date or the date up to which the recovery cases are to be decided by the Head of the Circle. In this connection, it is clarified that Circles are authorized to take decision on excess payment due to wrong fixation of pay in case of Non-executives which has been done prior to 06.02.2014 and therefore, whether recovery started prior to 6.2.2014 or continuing thereafter is not relevant. In view of this, the Circle Heads may decide waiver of recovery in the light of judgment of the Supreme Court in the matter of State of Punjab and Ors. Vs. Rafiq Masih (White Washer) in CA no. 11527 of 2014 specifically in the case of non-executives only where excess payment of pay & allowances has been made based on the fixation of pay done prior to the date of 6.2.2014. However, in case any mala-fide intention or collusion between the beneficiary and the officials entrusted with the duty of pay fixation is found, action against the beneficiary and the concerned officials may be taken and consolidated report in this regard be sent to this office.

3. As regards the cases where recovery has already been made and now the demand is being raised for refund of the amount already recovered, it is stated that the same does not appear to fall in the ambit of Supreme Court judgment mentioned in para 2 above. However, in case, any refund has happened due to any court order or otherwise, the same should not be reopened.

Yours faithfully



(Sheo Shankar Prasad)
Dy. General Manager(Estt.-I)
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