



Sub: Periodical review for ensuring probity among employees of CPSE – BSNL reg
Representation Committee for CPSUs/BSNL

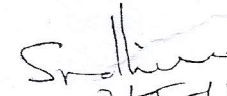
Ref: Pers Cell note vide 9/N of file no 20-21/2017-Pers-II dated 19.4.2018 reg
Representation Committee and letter no 400-70/2017-Pers-I Vol.I dated 26.4.2018

Keeping in view the urgency shown by Pers Cell vide letter dtd 26.4.18, Dir(HR) as an interim measure has approved, the following:

- (A) Guidelines for consideration of Representations (Annexure-'A')
- (B) Constitution of Committees to consider representations from prematurely retired:

The Committee which earlier considered the case of the employee representing against his premature retirement, with the modification that it should include at least one member of appropriate status who was not in the said Committee earlier (i.e. Member's status should be equivalent to, as prescribed for Review Committee (issued vide letter No 10-1/2016 WS&I dated 15.1.2016, Annexure-V)}. Final order on representations against premature retirement should be passed by the authority superior to the authority which issued order of premature retirement.

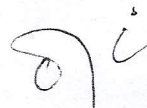
Encl: a/a


21/5/18
(Sudhira Sabharwal)
DGM (WS&I)

Copy to :

GM(Pers), BSNL CO

UO No 10-1/2016-WS&I(Pt) Dated .5.2018


issued
21/5/18

Guidelines for consideration of Representations:

- (1) An employee who has been served with a notice/order of premature retirement under the provisions mentioned above, may submit a representation within three weeks from the date of service or such notice/order.
- (2) On receipt of a representation, the administration should examine the same to see whether it contains any new facts or any aspect of a fact already known but which was not taken into account at the time of issue of notice/order of premature retirement. This examination should be completed within two weeks from the date of receipt of the representation. After such examination, the case should be placed before the appropriate Representation Committee for consideration.
- (3) The Committee considering the representation shall make its recommendations on the representation within two weeks from the date of receipt of the reference from the administrative authorities concerned. The authority which is empowered to pass final orders on the representation should pass its orders within two weeks from the date of receipt of the recommendations of the Committee.
- (4) If, in any case, it is decided to reinstate a prematurely retired employee in service after considering his representation in accordance with these instructions, the period intervening between the date of premature retirement and the date of reinstatement may be treated as duty, or as leave or as dies-non as the case may be, taking into account the merits of each case.
- (5) Where the review representation Committee records a definitive finding that the premature retirement was no account of political or personal victimization, the intervening period should be treated as duty with full pay and allowances. In other case, it would not be appropriate to treat the period during which the employee had not worked, on duty and allow him the duty pay for the same. In such cases, the period may hitherto be treated as leave due and admissible or dies-on, as the authority ordering reinstatement may decide.

Contd/-

- (6) In the cases of employees who had been prematurely retired on grounds of inefficiency and by the time the Committee to consider the representations against such premature retirement came to the conclusions that premature retirement was unjustified, the date of superannuation of the employee has already arrived or had passed, it has been decided that the authorities empowered to pass final orders may at their discretion reinstate the superannuated notionally with effect from the date of compulsory retirement and treat the period upto the date of superannuation, as duty, leave or dies-non as may be considered appropriate by the competent authority.
- (7) Representations from employees who have been served with a notice/order of premature retirement, but have obtained stay order (s) from a court against the order/notice of premature retirement, need not be considered by the administration, nor sent up to the Committee until the disposal of the court case. Thereafter, the cases may be examined as outlined above, also taking into account any material of a substantive nature that may feature in the court's judgment.
- (8) As and when representations are received from affected employees against the orders of premature retirement relating to the period of emergency or on receipt of a fresh representation against the premature retirement had already been considered by the appropriate committee and rejected, they should be examined by the appropriate "Representation" committees which shall take special care to see that:-
 - (a) Over-rigorous standards were not applied at the time of original review in the matter of judging ineffectiveness of the employee on account of a mistaken sense of over-zealousness ; and
 - (b) Premature retirement was not resorted to as a means of political or personal victimization.
- (9) It should be ensured that review of cases of the employees prematurely retired during the emergency is conducted by a Committee of Officers of appropriate status unconnected with the original decision to retire the employee prematurely.