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

F.No. BSNLCO-A/15(16)/3/2021-ESTAB

Dated : 24 .08.2021

To,

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

**Subject:- Implementation of the concept of Deemed Resignation in case of unauthorized absence, absconding employees-operating instructions -regarding Sir,**

Reference is invited to this office letter of even No. dated 03.05.2021 vide which it has been informed that as BSNL is following CCS (Leave) Rule 1972 in case of BSNL recruited and absorbed employee both, therefore all cases of BSNL Employees who remain absent from duty for a continuous period exceeding five years shall be dealt as per the provisions of Rule 12(2) of CCS(Leave) Rules-1972 and they shall be deemed to have resigned from service provided conditions prescribed therein have been fulfilled.

2. After issue of above instructions, it has been felt necessary to issue detailed procedure to be followed for implementation of above provision so that uniformity is maintained across the organization in dealing all such cases and to avoid any procedural lapse leading to future complications and litigation. Accordingly, following model guidelines are laid down, which may be suitably modified by the competent authority depending upon facts and circumstances of the cases, for dealing with such cases by the Competent Appointing Authority/Higher Authority:

- a. Rule 12(2) of CCS(Leave) Rules will only be applied in cases of BSNL absorbed / recruited employees who are either absent/absconding or not attending office for a continuous period exceeding five years without any approved leave.
- b. It can also be applied in case of employees against whom disciplinary proceedings have been initiated on the ground of absence from duty and such absence is/becomes more than five years in continuity before/after the issue of charge sheet but before the finalization of disciplinary proceedings by way of issue of final order thereof. Disciplinary proceedings in such cases shall become infructuous after issue of final order of Deemed Resignation after following prescribed procedure.
- c. Employees who fulfill the conditions prescribed in Rule 12(2) of CCS(Leave) Rules, as a part of reasonable opportunity to explain the reasons for such absence, shall be give notice, by Registered/Speed post with proper record to be maintained about their delivery/returned undelivered or not, at the last known address as well as at the permanent address available in office records about their absence for a continuous period exceeding five years and also intimating them about the proposed course of action against them i.e. they shall be deemed to have resigned from the BSNL service.

24.8.21

- d. If no response is received even after notices, then Competent Authority shall issue the public notices in local newspapers about the same.
  - e. If any response is received from the employee concerned or his family members, at any stage during proceedings under this Rule, then that shall be examined by the competent authority in its entirety and further action be taken as per extant rules.
  - f. If no response is received, even after publication of public notice, then Competent Appointing Authority or any higher authority shall take decisions and thereafter also issue order for deemed resignation of employee concerned under Rule 12(2) of CCS(Leave) Rules.
  - g. Deemed resignation shall be made effective from the date of unauthorized absence.
  - h. Final Order issued in this regard shall also contain a clause that such employee shall not be entitled for any retirement benefits.
  - i. Final order should also contain the following clause: "This order is issued without prejudice to any other action that may be taken against Sh. -----in terms of the BSNL Rules and Government Instructions."
  - j. However, other benefits as applicable in case of Resignation of employee viz. Leave Encashment, withdrawal of GPF etc. shall be payable as per applicable Rules and instructions issued in this regard.
  - k. With the issue of order of Deemed Resignation, employee concerned shall be struck off from the services of BSNL and necessary entry be made in all the service records/ERP module.
3. Accordingly, all the Circle Heads and Heads of other administrative units under their control are requested to bring it to the notice of all units under them and to ensure that all cases of absence from duty for the period exceeding five years in continuity falling under the ambit of Rule 12(2) of CCS(Leave) Rules are dealt promptly in time bound manner so that all the existing cases can be finally decided within next 4 months. Action taken in the matter shall also be intimated to this office on email bsnlestt.3@gmail.com followed by hard copy.
4. Cases of Deemed Resignation already settled before the issue of these guidelines need not be reopened.

This issue with the approval of Competent Authority.

Yours Sincerely,

  
(G.P. Vishnoi)

Assistant General Manager (Estt-III)

Copy to for Circulation among units under their administrative control: -

1. Sr.PPS to CMD/Director(s) BSNL Board
2. CVO, BSNL, New Delhi
3. PGM/Sr. GM/GM Pers/EW/BW/Architect/Estt. BSNL CO
4. SDE(OL) for Hindi version