

Corporate Office  
Pension Section, 5<sup>th</sup> floor  
Bharat Sanchar Bhawan  
H.C. Mathur Lane,  
New Delhi-110001



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

No.38-17/2019-Pen (B)

Dated: 09-07-2020

To

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

Sub: Instructions regarding timely release/payment of Gratuity (DCRG) for avoiding payment of interest on delayed payment of Gratuity - reg.

Sir,

Of late, it has come to the notice of BSNL Corporate Office that in many cases different Courts of Law have directed UOI/BSNL for payment of interest on delayed payment of Gratuity (DCRG) to the applicant, which have resulted in huge financial burden on BSNL. These cases had been caused due to unnecessary delay in releasing/payment of Gratuity (DCRG) to the employees by the Circles.

2. In this regard, it is intimated that in case of retirement of an employee, Gratuity (DCRG) is to be released/paid immediately to the retired employee. As per GOI Decision (2) under Rule 68 of CCS (Pension) Rules, 1972, where the payment of DCRG has been delayed beyond three months from the date of retirement, an interest at the rate applicable to GPF deposits is to be paid to retired/dependants of deceased Government servants. However, of late it has been observed that various Telecom Circles of BSNL are withholding/delaying the release/payment of Gratuity on the pretext of pendency of disciplinary proceedings against the concerned BSNL employee, citing instructions given vide Rule 9 of CCS (Pension) Rules, 1972.

3. In this regard, it is intimated that as per Rule 9 of CCS (Pension) Rules, 1972, the President reserves the right of withholding a pension or gratuity, or both, either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and or ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service. However, as per GOI Decision (6) under Rule 9 of CCS (Pension) Rules, 1972, minor penalty proceedings have no effect on pension. Further, various instructions under GOI Decision (10) under CCS (Pension) Rules, 1972 clearly explains the situations under which pension/gratuity cannot be withheld.


4. It may be seen from the above that the main purpose of withholding pension and/or gratuity is for recovering pecuniary loss caused to the Government/BSNL. Hence, withholding the Gratuity in the cases should be done judiciously and as per the provisions of rules only and not as a matter of routine.

5. Further, it has been observed in many instances that the concerned Circles are not taking up the matters immediately with the BSNL Corporate Office, where the decision of the Courts of Law have gone against the Government/BSNL in the cases involving BSNL employees. Had the Circles taken up the matters immediately with the BSNL Corporate Office, appropriate remedial measures could have taken/ appropriate instructions could have been issued on the matter.

6. Accordingly, it has been decided that in the cases where any Court of Law directs for payment of interest on delayed payment of Gratuity, action might be taken for recovery of the said amount from the Officers/Officials responsible for the delayed release/payment of Gratuity, in addition to initiation of disciplinary action against them.

7. Hence, All Heads of Telecom Circles/Other Administrative Units/Cadre Controlling Authorities in BSNL Corporate Office are requested to release/pay the Gratuity (DCRG) to the retired employee, without any delay. Further, the Circles are requested to take up the matter immediately with the BSNL Corporate Office, where the decisions of the Courts of Law have gone against the Government/BSNL in the cases involving BSNL employees.

Yours faithfully,

  
9/7/2020  
(Keshav Kumar)

Astt. General Manager (Estt.-I)  
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Copy to :-

1. PS to Dir (HR)/Dir (F)/Dir (Ent.)/Dir (CFA)/Dir (CM), BSNL Board
2. PGMs/Sr. GMs/GMs (Pers./FP/BW/Elect./Arch/Civil), BSNL CO
3. BSNL CO Intranet Portal.



(Sudhanshu Shekhar Ray)  
Deputy Manager (Pension)