

Restructuring/WS&I Cell, Corporate Office,
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भारत संचार निगम लिमिटेड
(भारत सरकार का उपकरण)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

No.2-4/2011-Restg.(pt)

Dated 17.7.2015

To

Shri Chandeshwar Singh
General Secretary
NFTE
C-4/1, Bangla Sahib, (Baird Road)
New Delhi 110 001

Sub: Non-applicability of Rule(ii)(b) of BSNL CDA Rule 2006 in respect of absorbed employees.

Ref: Your letter No TF-13/8 dated 8.12.2014

Please refer to your above referred letter reg. non-applicability of Rule(ii)(b) of BSNL CDA Rule 2006 in respect of absorbed employees. The proposal was sent to Legal Cell for comments & according to Legal Cell, Provision of Rule 55(ii)(b) of BSNL CDA Rules are similar to provisions of FR 56(j) and Rule 48(1)(b) of CCS(Pension) Rules, 1972. Further, there are GOI instructions for periodical review of performance of Govt. Servant covered under these Rules. The provisions are basically for pre-mature retirement on review of performance. This does not amount to removal, dismissal or retrenchment. Therefore, provisions of Rule 37A(25)(c) are not attracted in cases of such retirement where provisions of Rule 55(ii)(b) of BSNL CDA Rules may be invoked in case of absorbed employees also." So there is no need of proposed amendment.

3 In view of Legal Cell above, the suggestion to delete Rule-55(ii)(b) of BSNL CDA Rule 2006, cannot be acceded to.


AGM(Restg/WS&I)