



# BSNL & DOT PENSIONERS ASSOCIATION (INDIA)



CENTRAL HEAD QUARTER, AHMEDABAD - 380 001.

(Registered under Indian Trade Union Act 1926. Regn No.G-6456)  
(Affiliated to Bharat Pensioners Samaj, New Delhi)

410-A/411-A, Swaminarayan Avenue, Near A.E.C. Over Bridge, 132 ft. Ring Road, Naranpura, Ahmedabad - 380013.

Thomas John K  
All India President

Dinesh D. Mistry  
General Secretary

No; BPS/BDPA(I)/Valsad/M.G.Patel/VC/2010 Dated 13<sup>th</sup> September, 2021

To:

**Shri R.K.Chaouhan,**  
Chief General Manager, BSNL,  
Gujarat Telecom Circle,  
7th Floor, Telephone Bhavan,  
Ellis Bridge Ahmedabad. 380006

Sub: Deviating from assigned duties by Shri Bhaumik R. Patel,  
Vigilance Officer, Valsad Telecom District.

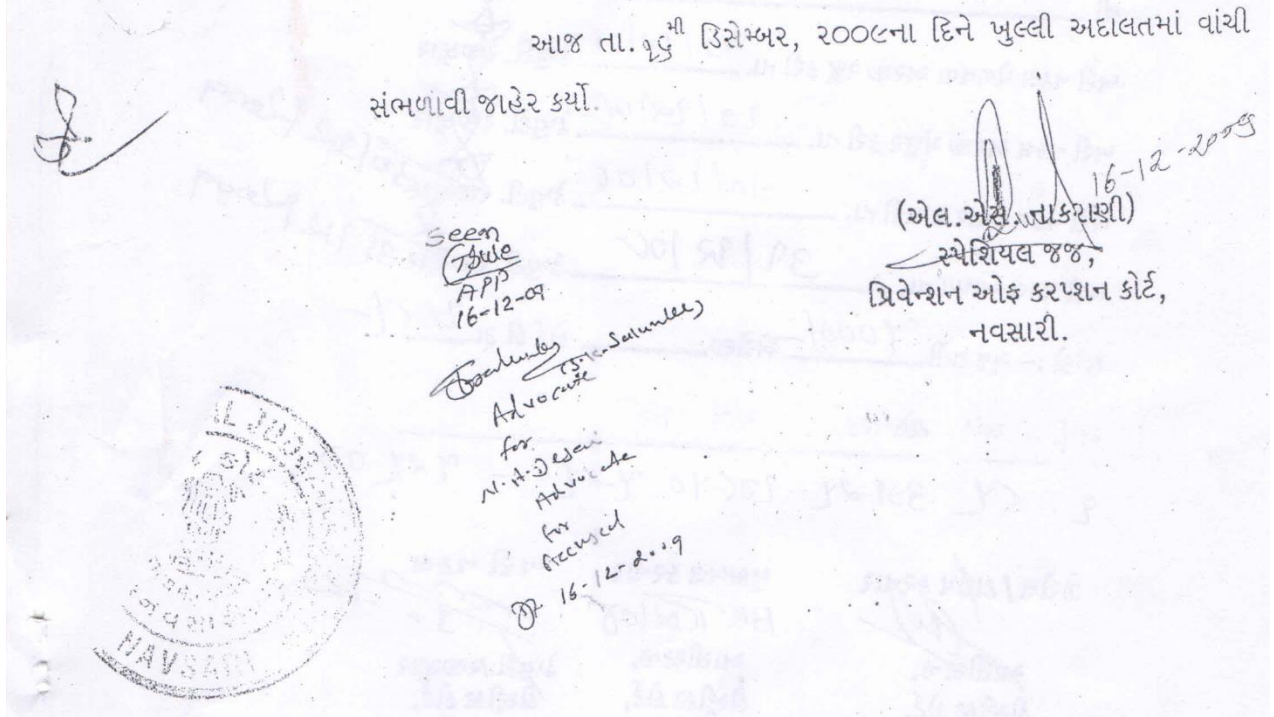
Ref: The District Secretary, BDPA (I), Valsad Letter No:  
BDPAI/VAL/19 dated 19.08.2021 addressed to your office with a  
copy to undersigned and a letter No: 2-1/Vig-Val/INVST/2021/20  
dated 01.09.2021 addressed to the D.S. BDPA (I), Valsad.

Respected Sir,

1. We enclose herewith copies of letters under reference, before we start to write on the subject.
2. Normally it is expected that Administration follows the rules reiterated from time to time from BSNL HQ and also DoT, to expedite grievance settlement of retired employees and take all the action in this direction to shower the justice to retired employee who have give more than thirty years' service to the Department and Company.
3. There was a case filed by ACP against the Employee and he was acquitted by the Court on 16.12.2009 and he had sent a copy of judgment to your office vide his representation dated 03.01.2010, i.e. six months before his retirement. Extract from the orders passed by the court is as under:



The above order was issued on 27.07.2010, whereas the court had issued final order on 16.12.2009. See below:



5. This clearly shows the office of the GMTD Valsad was aware of the judgment and has failed to take appropriate action on the judgment. If the authorities were not agreeable to the judgment of the court, the administration was free to issue him charge sheet and finalize the issue, if it was such case. But pitifully till date, the Pensioner has not received any reply to his various representations enumerated in detail in foregoing paragraphs.
6. We are pained to know that till date, the office of the GMTD has neither cleared his case by issuing required Vigilance Certificate and the Pensioner is running from pillar to post to get his pensionary benefits like gratuity, computation and other benefits which make us to feel some hidden motive to harass the pensioner for the reasons best known to the office of the GMTD Valsad.
7. We reproduce the plight of the Pensioners and Association who have pursued the case at their level as under:
  - i. The Pensioner had addressed his representation on 28.09.2013 to GMTD Valsad giving clearly stating the fact as written in Para 3 above and asked for vigilance clearance. (Copy enclosed as Annexure-2). The GMTD Valsad, it seems, ignored the representation and did not act.
  - ii. The Pensioner issued reminder on 12/16.01.2014, reiterating the same request. **(Copy enclosed as Annexure-3).**

- iii. In pursuance to repeated requests of the Pensioners Associations, BSNL HQ vide its communication No: 22-22-/2017/Genl/Vol/ dated 05.07.2018 (**copy enclosed as Annexure-4**), citing clear instruction of DOPPW and DoT issued in the year 2003, issued clear instructions for Vigilance Officers to as under:

3. It is hereby clarified that Vigilance Clearance shall henceforth be granted for the limited purpose of releasing pensionary benefits of BSNL employees against whom personal court cases (other than departmental) are pending at the time of their retirement, provided that such an employee is otherwise clear from vigilance angle.

- iv. In light of above instructions, the Pensioner submitted his written representation under acquaintance of GMTD Valsad office on dated 14.07.2018(**Copy enclosed Enclosure-5**) clearing stating that he has been acquitted and copy of judgment has already been submitted to him; with a request to issue Vigilance Clearance Certificate.
- v. On 27.09.2019, the Pensioner submitted reminder to his representation dated 14.07.2019 (**Copy enclosed Annexure-6**).
- vi. On 28.06.2020, the District Secretary, BDPA (INDIA), Valsad requested the GMTD Valsad to look into the case.(Copy enclosed Annexure-7).
- vii. Since the Pensioner could not get response to his various representations addressed to the GMTD Valsad, he sent his representation to the CGMT Gujarat Circle, Ahmadabad through GMTD Valsad on 25.02.2021 with a hope that he will get justice from your office. (Copy Enclosed Annexure-8).
- viii. Having been satisfied that the Pensioner is suffering since last more than ten years and not getting justice, the District Secretary, BDPA (INDIA), VALSAD vide his letter dated 21.08.2021 addressed letter to VO CGMT Ahmadabad office writing as under:



Respected Sir,

With respectfully, it is bring to your notice that as no action taken by the GMTD Valsad on the application dated 14-07-2018 and 17-03-2019 submitted for issuing Vigilance Clearance to Shri M.G.Patel for releasing his pensionary benefits, we have written letter No.BDPA\VAL\07 dated 28-06-2020 and drawn the personal attention of GMTD Valsad but no any action taken. A copy of our letter dated 28-06-2020 along with copy of CVO BSNL New Delhi Letter No.22-22\2017\Genl\Vol.I dated 05-07-2018 are enclosed for your information.

It is intimated that Shri M.G.Patel Ex.Sr.TOA(G) Navsari is retired from 31-07-2010 on superannuation but his pensionary benefits withheld due to pendency of a case in Navsari Court filed by ACB of Gujrat. The applicant Shri M.G.Patel as well as we have made request to GMTD Valsad in light of the CVO New Delhi letter dated 05-07-2018 to issue Vigilance clearance for the limited purpose of releasing due pensionary benefits but no response.

Therefore we compelled to approach you in this regards by writing this letter and request to do needful for issue of Vigilance Clearance in respect of Said Shri M.G.Patel to release his due pensionary benefits which is withheld since last 12 years.

(Copy enclosed Annexure-9).

- ix. We need not mention that the District Secretary, BDPA (INDIA) Valsad has tried to cause early disposal of the case by drawing attention of your office.
- x. We are surprised and rather pained to know that instead of receiving response from your office, he has received a letter from Shri Bhaumic R. Patel, Vigilance Officer, o/o the GMTD Valsad which shows the authoritative knowledge of the Officer, who though being in charge of the case and custodian of all the official records and his dealing with the case since long; *has asked to furnish the details of the case and representations made by the Pensioners*; and thus failed to discharge his assigned duties as Vigilance Officer.
- xi. *Though the case is worth having its representative values to the CMD BSNL New Delhi*, we are addressing this letter to you, with a clear view that your office will take positive steps to issue the required Vigilance Certificate for the Pensioners and will arrange to pay his all long pending claims for Gratuity, computation and other Pensionary benefits to him with 6% interest as it is a case of lethargic dealing with the pensioner case; willfully ignoring the repeated instructions from the DOPPW, DoT and representations from the Pensioners and Pensioners Association.

We conclude this letter with hope and expectations that your office will have positive outlook on our say and save the pensioner from his agony and financial distress since last eleven years.

With Regards,

Yours Sincerely,

  
(D.D. MISTRY)

Secretary BSNL/PSU

Bharat Pensioner Samaj

Encls: Eleven as stated in letter.

Copy to:

1. Shri P.K. Purwar, CMD BSNL New Delhi
2. Shri Ashwini Vaishnav, MOC New Delhi
3. Shri S.C. Maheshwari, SG Bharat Pensioner Samaj New Delhi.
4. Shri Jitendra Prasad, MOS New Delhi.
5. Smt. Seema Gupta, Secretary, DOPPW, New Delhi.