

ALL INDIA BSNL PENSIONERS' WELFARE ASSOCIATION

[Regd. T 1833/09]

Central Head Quarters

Website: www.bsnlpensioner.in

eMail: bsnlpensioner@gmail.com

H. No 6, G No 12th Street, Jogupalya, Halasuru, Bangalore 560008

President: P S Ramankutty

General Secretary: P Gangadhara Rao

Phone: 9447551555

Phone: 9448088404

8-5-2020

To
Shri P.K.Purwar,
The Chairman-cum-Managing Director, BSNL,
Bharat Sanchar Bhawan, New Delhi-110001

Sir,

Sub: **Remittance of society dues recovered from VRS-2019 optees from Leave Encashment & Ex-gratia to the concerned society - Immediate intervention requested**

We are getting complaints from our members of some circles particularly from Andhra Pradesh (**Recovered Dues to the society from AP alone comes to nearly Rs.42 crores**) that the recovered amount was not remitted to the concerned society. Due to non-remittance of recovered amount, interest is being levied from the retiree for the entire period from their accumulated thrift fund and share capital with the society. **This is illegal.**

2. With regard to the above subject-matter BSNL C.O issued guidelines vide its letter dated **17/1/2020**. As per the guidelines, the employee should clear such dues and intimate with necessary documentary evidence to DDOs by **7/2/2020**. Alternatively, he may authorize the concerned DDO to recover the outstanding dues/loans from leave encashment and if leave encashment amount is not sufficient, the balance amount may be recovered from first instalment of ex-gratia payable to them.

3. The amount so recovered should be remitted to concerned banks/ societies only after obtaining funds from BSNL C.O. We do not know whether the C.O. has allotted the required funds to the circles in this regard. We are also not aware whether the recovered amount was utilized for some other purpose. May we draw your kind attention to the legal position on this issue?

4. We would like to draw your kind attention to Section 60 of Multi-State Co-operative Societies Act, 2002. Section 60 (2) clearly states "**pay the amount so deducted to the society within a period of fourteen days of the date on which deduction has been made**". *We would like to point out that this Act is violated.*

[Contd. in P 2]

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5. Section 60 (3) states '**default in remitting the amount deducted to the multi-State-co-operative society, the society shall be entitled to recover any such amount from such employer as arrears of land revenue and the amount so due from such employer shall rank in priority in respect of the liability of such employer equal to that of the salary or wages in arrears**'.

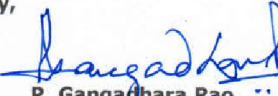
6. Society dues can be recovered under section 7(j) of Payment of Wages Act, 1936. Non-remittance of the recovered amount to the society is an offence. Section 20 of Payment of Wages Act, 1936 provides for penalty for offences under the Act.

7. In any case, the employees retired under VRS cannot be burdened with payment of interest for the negligence of BSNL Company. Needless to point out that only the Company is answerable if any affected VRS optee approaches the Court against the illegal action.

8. May we seek your kind intervention and direct the circles to remit the recovered amount to the concerned society without any further delay. A line in reply is highly solicited.

Thanking you

Yours faithfully,


P. Gangadhara Rao, **
General Secretary.