

BSNL EMPLOYEES UNION

Recognised Union in BSNL

(Registered Under Indian Trade Union Act 1926. Regn.No.4896)

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BSNLEU/410 (PF)

24.01.2017

To

Ms. Sujata T. Ray,
Director (HR) BSNL,
Bharat Sanchar Bhawan,
Janpath, New Delhi – 110 001

Madam,

Sub: - Illegal recovery from employees in the name of EPF contribution arrears – request for kind intervention – req.

Ref: (1) BSNL CO No. 500-85/CA-II/BSNL/EPF/Vol.II dated 11.10.2006.

(2) Representation from Shri S.Omprakash Jaiswal Sr TOA (G), O/o CGMT, AP Circle, Hyderabad (HRMS No. 200100202) dated 24.7.2016.

(3)CGMT AP Hyderabad No. BSNL/CA-III/EPF-Corr/2016-17/Vol-II/16 dated 20.12.2016 addressed to ADG(CA-I), BSNL CO, New Delhi.

This is to seek your kind intervention so that the amount recovered illegally from the employees in the name of past period dues of EPF contribution is repaid along with interest and such recoveries, if any, still continuing, are stopped. We are submitting a case as an example in this regard.

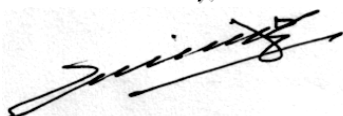
Shri S.Omprakash Jaiswal, Sr.ToA(G), O/o CGMT AP Hyderabad was appointed by BSNL in December 2000 on compassionate grounds. But no recovery of EPF contribution was made from his salary until October 2007, since such officials were allowed GPF due to the wrong circulars of the management. Subsequently it was decided that these officials whose recruitment process started in DoT but appointment took place in BSNL are not eligible for GPF and EPF should be implemented for them since their appointment. Therefore for the past period, both the shares of employee and employer towards EPF contribution were paid by the management to the EPFO and the management subsequently recovered the employees share from their salaries.

The management cannot recover such EPF contribution of the past period from the employees since the EPF & MP Act and the Scheme there under clearly prescribed, "If timely PF & Pension deductions are not made from the member's wages, the employer will have to pay the share of the Employees except when such recovery could not be made at the appropriate time due to accidental mistake or clerical error." Here it is not any accidental mistake or due to clerical error. It is due to the wrong decision of the management for implementing GPF for them at first and subsequent decision to implement EPF instead of GPG. Therefore this recovery is illegal and the amount recovered from the said official and from all similar cases, has to be paid back to the officials along with interest.

It is therefore requested to kindly intervene so that this illegally recovered amount is paid back to the officials along with interest. We shall be thankful for an immediate and positive direction in this regard.

Thanking you,

Yours sincerely,



[P. Abhimanyu]
General Secretary

Encl: The references cited above.