



P. Abhimanyu
General Secretary

BSNL EMPLOYEES UNION

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BSNLEU /410 (PF)

06.05.2022

To,

Shri P.K. Purwar,
CMD BSNL,
Bharat Sanchar Bhawan,
H.C. Mathur Lane,
Janpath, New Delhi – 110 001

Sir,

Sub: - **Illegal recovery in the name of EPF contribution arrears – case of Shri Omprakash Jaiswal, AOS, O/o CGMT, Andhra Pradesh, Hyderabad - reg.**

We wish to draw your kind attention to the willful violation of the EPF and MP Act 1952, by the BSNL Management. We earnestly request you to kindly intervene in this matter and to render justice to the affected employee.

As per the EPF and MP Act, the Employer cannot recover EPF contribution of the past period, from the employees. The said Act clearly states, ***“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.”*** However, violating the above provision of the EPF and MP Act, the BSNL Management has made illegal recoveries from employees.

In this connection, we would like to draw your kind attention to the case of Shri S.Omprakash Jaiswal, AOS, O/o CGMT AP Hyderabad. He was appointed by BSNL in December 2000 on compassionate grounds. However, no deduction of EPF contribution was made from his salary till October 2007. Right from the date of his appointment, deduction was made towards GPF subscription from his salary. However, subsequently, the Management decided to implement EPF for him, on the premise that, the official was not entitled to join GPF. It is not only in the case of Shri S.Omprakash Jaiswal, AOS, did the Management committed this somersault, but also in the case of several hundreds of other officials also, who were recruited immediately before or after the formation of BSNL. The Management allowed all these officials to join the GPF initially. However, subsequently, the Management changed it’s policy and implemented EPF for them.

The EPF and MP Act permits the employer to recover the EPF contribution of the past period, from the employee, only if it is due to any accidental mistake or clerical error. However, in the case of Shri S.Omprakash Jaiswal, AOS, initially the Management allowed him to join the GPF and subsequently changed it’s policy and forced him to join the EPF. What has happened in the case of Shri S.Omprakash Jaiswal, AOS, is not an accidental mistake or clerical error, but a complete shifting of it’s policy by the BSNL Management. Hence, EPF contribution of the past period cannot be recovered from Shri S.Omprakash Jaiswal, AOS.

To cover-up it's mistake, the Management has mixed up Shri S.Omprakash Jaiswal's case with the judgement delivered by the Hon'ble Madras High Court, in a totally different case. The judgement of Hon'ble Madras High Court is connected with a case, wherein the BSNL Management initially restricted it's EPF contribution to Rs.6,500/- only, but, subsequently extended it to the full basic pay plus IDA of the employees. Mixing up the judgement of the Hon'ble Madras High Court with the case of Shri S.Omprakash Jaiswal, AOS, has been willfully done by the BSNL Management, only to save it's skin and to escape from it's liability of paying the EPF contribution of the past period. This is unbecoming of the Management of a Public Sector Undertaking.

Thus, an amount of Rs. 75,924/- has been unjustifiably recovered from the salary of Shri S.Omprakash Jaiswal, AOS. This is totally a violation of the EPF and MP Act of 1952. Mixing up the case of Shri S.Omprakash Jaiswal with the judgement delivered by the Hon'ble Madras High Court in a totally different case, is unacceptable to us. Hence, we earnestly request you to kindly look into this case and to ensure that, the recovered amount of Rs.75,924/- is refunded to Shri S.Omprakash Jaiswal, AOS, without further delay.

Thanking you,

Yours sincerely,



[P. Abhimanyu]
General Secretary

Copy to: (1) Shri Arvind Vadnerkar, Director (HR), BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi – 110 001
(2) Shri Saurabh Tayagi, PGM (Estt.) BSNL CO., Bharat Sanchar Bhawan, Janpath, New Delhi – 110 001