

Restructuring Cell, Corporate Office,  
7<sup>th</sup> Floor, Bharat Sanchar Bhavan,  
Janpath, New Delhi-110001  
Tel No 23710400, Fax No -23765191



भारत संचार निगम लिमिटेड  
(भारत सरकार का उपक्रम)  
**BHARAT SANCHAR NIGAM LIMITED**  
(A Govt. of India Enterprise)

No. BSNLCO-COMN/12(11)/1/2020-RSTG-Part(1)

Dated: 04.02.2021

To

Sh. P. Abhimanyu, GS (BSNLEU),  
Dada Ghosh Bhawan, 2151/1,  
New Patel Nagar, Opp. Shadipur Bus Depot,  
New Delhi – 110008.

**Subject : Amendment to the CDA Rules, to compulsorily retire employees who have either attained 50/55 years of age or who have completed 30 years of service – reg.**

Ref. (i) PMOPG/E/2020/097791 dated 21.11.2020  
(ii) DOTEL/E/2020/47464 dated: 12.11.2020.

Kindly refer your letter No. BSNLEU/503(CDR) dated 11.11.2020 addressed to CMD BSNL on CPGRMS portal wherein you have requested to withdraw the amendment made to the CDA Rules by letter No. BSNLCO-RSTG/18(11)/2/2020-RSTG dT. 6-11-2020. The matter has been examined by this office and following is submitted:

Updated soft copy of BSNL CDA rules was circulated to the field units vide this office letter No. BSNLCO-RSRTG/18(11)/2/2020-RSTG dated 06.11.2020 whereas originally Rule of Probity and efficacy was circulated vide letter dated 15.01.2016 and the subsequent modification was circulated vide letter dated 27.07.2017. Therefore, no new amendment has been done in the BSNL CDA rules.

Rule 55 A of BSNL CDA rule regarding Probity and Efficacy was framed in accordance with the Government Reference issued vide DoPT OM dt. 11-09-2015. In this regard reference is also invited to the para 2 of the above cited OM wherein Supreme Court has also made his observation on the policy as under-

1. Wherever the service of a Govt. employee is no longer useful to the general administration, the officer can be retired prematurely in public interest.
2. Generally the order of compulsory retirement shall not be treated as a punishment coming under article 311 of the constitution.
3. For better administration it is necessary to chop off dead wood, but the order of compulsory retirement can be passed after having due regard to the entire service record of the office.

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As such, the premature retirement under Rule 55A is not a consequence of Disciplinary Proceedings same is not Punitive measure. Under probity and efficacy Government CCS Rule, there is no provision for giving an opportunity to the employee for his review / defend in the government guidelines also, the same is not included in BSNL CDA Rules.

It is pertinent to mention that Rule 55(A) and the mechanism of periodical review of employees framed in BSNL CDA rules, are in synchronization with Govt Rules provisioned under R56 (j) and DPE directions.

This is issued with the approval of competent authority.

  
04.02.2024  
(Santosh Dahiya)  
AGM (Restg.-I)