

**LOKPAL OF INDIA**  
**[ Plot No. 6, Institutional Area, Phase-II, Vasant Kunj ]**  
**New Delhi - 110070**

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Complaint No. : 4250/2022.  
Date : 9<sup>th</sup> February, 2023.  
**Coram** : **Justice Abhilasha Kumari**  
**Judicial Member**  
  
**Shri Mahender Singh**  
**Member**  
  
**Dr. Indrajeet P.Gautam**  
**Member**

**ORDER**

This complaint is directed against the PGM, Finance, Uttar Pradesh (W) Circle, BSNL. It is alleged that the public servant concerned had tendered his technical resignation from BSNL to join as a whole-time Member (Finance) in Prasar Bharti, an autonomous body, and was absorbed there with effect from 09.04.2015. The six year term of the said public servant came to an end on 08.04.2021, therefore, he ceased to be an employee of Prasar Bharti with effect from that date. Thus, according to the complainant, he was neither an employee of the BSNL, nor or Prasar Bharti. However, the public servant illegally and fraudulently rejoined BSNL as PMC (Finance), UP (West) Circle, vide order dated 23.04.2021. The complainant has prayed for the removal from service of this public servant as, it is alleged it is a clear case of fraud, cheating and conspiracy.



2. The complaint received the consideration of the Full Bench of the Lokpal of India on 10.8.2022. By an order of that date, the Full Bench referred the matter to the Central Vigilance Commission (CVC) for making a Preliminary Inquiry under Section 20(1)(a) of the Lokpal and Lokayuktas Act, 2013, and to submit the report on, or before, 30.09.2022.

3. After availing several extensions of time, the CVC submitted the report vide OM dated 20.01.2023.

4. We have perused the detailed report of the Preliminary Inquiry submitted by the CVC, in which each allegation has been discussed along with the relevant guidelines of the Department of Personnel & Training (DoPT) applicable in the matter. Comments have been elicited from the public servant concerned and the Competent Authority.

5. While tendering his technical resignation, it appears that the public servant had requested for the retention of his lien in BSNL. The entire sequence of events and the chain of officers who processed and forwarded the matter has been examined. Lapses have been found on the part of some officers mentioned in the report. It is stated that as per the directions of the Secretary (T), Department of Telecommunications (DoT), a Committee comprising Member (F), DoT, Additional Secretary (T) and Joint Secretary (A) was formed, which finalised its report on 26.12.2022. This report has also been placed on record.



6. The Committee has come to the conclusion that from the available documents, it nowhere appears that the public servant concerned was absorbed in Prasar Bharti. His lien in BSNL was already approved and extended, based upon which he re-joined BSNL. Moreover, no additional benefit appears to have been passed on to him from BSNL.

7. The Committee has further stated that in the absence of clear-cut guidelines dealing with mobility of executives from CPSE to non-CPSE, the BSNL acted upon existing guidelines that are near to subject. There does not appear to be ill-intention, but it is a kind of procedural lapse, which does not appear to have caused any financial loss to the organization. The Committee's recommendations were approved by the Disciplinary Authority, i.e. Hon'ble MoC.

8. After consideration of the Report of the Preliminary Inquiry and other material on record, it transpires that nothing has emerged that lends credence to the allegations of fraud, cheating or any other criminal offence, in respect of the public servant concerned, or the officials who processed the matter. There appear to be procedural lapses, apparently caused by lack of proper guidelines. Steps may be taken by the concerned authorities of the BSNL to frame clear guidelines in the matter, to avoid the occurrence of these kinds of irregularities, in future.

9. In light of the above, as there is no evidence of corrupt practices, we are not inclined to proceed further in the matter.



10. Accordingly, the complaint is closed and disposed of.

11. A copy of this order be sent to the Chairman & Managing Director (CMD), BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi, for information and further necessary action.



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