

**ELEVENTH REPORT**

**COMMITTEE ON PETITIONS**

**(SEVENTEENTH LOK SABHA)**

**MINISTRY OF COMMUNICATIONS**

**(DEPARTMENT OF TELECOMMUNICATIONS)**

**AND**

**MINISTRY OF PERSONNEL PUBLIC GRIEVANCES & PENSIONS**

**(DEPARTMENT OF PENSION & PENSIONERS' WELFARE**

**AND**

**DEPARTMENT OF PERSONNEL & TRAINING)**

**(Presented to Lok Sabha on 21.9.2020)**



**LOK SABHA SECRETARIAT  
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***September, 2020/Bhadrapada, 1942 (Saka)***

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## COMPOSITION OF THE COMMITTEE ON PETITIONS

(2019-20)

Dr. Virendra Kumar - *Chairperson*

### MEMBERS

2. Shri Anto Antony
3. Shri Sukhbir Singh Badal
4. Shri Harish Dwivedi
5. Shri P. Raveendranath Kumar
6. Shri P.K. Kunhalikutty
7. Dr. Sukanta Majumdar
8. Shri Sanjay Sadashivrao Mandlik
9. Smt. Anupriya Patel
10. Dr. Bharati Pravin Pawar
11. Shri V. Srinivas Prasad
12. Shri Brijendra Singh
13. Shri Sushil Kumar Singh
14. Shri Prabhubhai Nagarbhai Vasava
15. Shri Rajan Vichare

### SECRETARIAT

1. Shri T.G. Chandrasekhar - Joint Secretary
2. Shri Raju Srivastava - Director
3. Shri G. C. Dobhal - Additional Director
4. Shri Harish Kumar Sethi - Executive Officer

**ELEVENTH REPORT OF THE COMMITTEE ON PETITIONS  
(SEVENTEENTH LOK SABHA)**

**INTRODUCTION**

I, the Chairperson, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Eleventh Report (Seventeenth Lok Sabha) of the Committee to the House on the Action Taken by the Government on the Recommendations made by the Committee on Petitions (Sixteenth Lok Sabha) in their Sixty-Fourth Report on the Representation of Shri Arvind Sawant, M.P., Lok Sabha requesting to review his case of premature resignation from MTNL and other related issues.

2. The Committee considered and adopted the draft Eleventh Report at their sitting held on 16.9.2020.
3. The observations/recommendations of the Committee on the above matters have been included in the Report.

**NEW DELHI;**

**16 September, 2020**  
**25 Bhadrapada, 1942 (Saka)**

**DR. VIRENDRA KUMAR,**  
***Chairperson,***  
***Committee on Petitions.***

## REPORT

### **ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS MADE BY THE COMMITTEE ON PETITIONS (SIXTEENTH LOK SABHA) IN THEIR SIXTY-FOURTH REPORT ON THE REPRESENTATION OF SHRI ARVIND SAWANT, M.P., LOK SABHA REQUESTING TO REVIEW HIS CASE OF PREMATURE RESIGNATION FROM MTNL AND OTHER RELATED ISSUES.**

The Committee on Petitions (Sixteenth Lok Sabha) presented their Sixty-Fourth Report to Lok Sabha on 11.2.2019 which had dealt with the Representation received from Shri Arvind Sawant, M.P., Lok Sabha requesting to review his case of premature resignation from MTNL and other related issues.

2. The Committee had made certain observations/recommendations in the matter and the Ministry of Communications (Department of Telecommunications) and the Ministry of Personnel, Public Grievances & Pensions (Department of Pension & Pensioners' Welfare and Department of Personnel & Training) were asked to implement the recommendations and requested to furnish their action taken replies thereon for further consideration of the Committee.

3. Action Taken Replies have since been received from the Ministry of Communications (Department of Telecommunications) and the Ministry of Personnel, Public Grievances & Pensions (Department of Pension & Pensioners' Welfare) in respect of all the observations/ recommendations contained in the aforesaid Report.

4. The recommendations made by the Committee and the replies furnished thereto by the Ministry of Communications (Department of Telecommunications) and the Ministry of Personnel, Public Grievances & Pensions (Department of Pension & Pensioners' Welfare) have been detailed in the succeeding paragraphs.

5. In paras 29, 30, 31, 32, 33, 34 and 35 of the Report, the Committee had observed/recommended as follows :-

*"The Committee note that Shri Arvind Sawant, while working as JTO on deemed deputation in the Mahanagar Telephone Nigam Limited, Mumbai, after completion of his service of 19 years 10 months and 24 days, tendered his resignation on 31.01.1996 to take the office of Member of Legislative Council, Maharashtra. At that point of time, he had not completed 20 years of qualifying service, which was the pre-condition for seeking Voluntary Retirement as per Rule 48-A of the CCS (Pension) Rules, 1972.*

*The Committee also note that the unconditional resignation of Shri Sawant was accepted by the Competent Authority and his name was accordingly struck off from the Government service/Mumbai Telephones, w.e.f., 31.01.1996. The request of*

Shri Sawant for maintaining his lien in the Government service was not acceded to by the Department of Telecom (DoT) in consultation with the Nodal Ministry, i.e., the Department of Personnel & Training (DoPT). The resignation of Shri Sawant was also affirmed by the DoT, as taking up the position of MLC by submitting resignation does not count as taking up service under the Government and, therefore, the resignation tendered by Shri Sawant could not be considered as a technical resignation. By tendering resignation except in cases of technical resignation to take up employment in Central Government, the past service stands forfeited for Pensionary benefits as per Rule 26 of CCS (Pension) Rules, 1972. In the instant case, Shri Sawant tendered resignation by knowing the consequences of his resignation. He neither submitted the notice for Voluntary Retirement nor submitted any reference to convert his resignation into VRS before acceptance of his resignation.

The Committee further note from the submissions made by the DoPT which also examined the matter and held that the case of Shri Sawant regarding revoking the Order of his Resignation after almost 21 years and converting it into Voluntary Retirement on the ground that Shri Sawant was not aware of the process of Voluntary Retirement during his service, is not in order with the extant Rules and therefore, the request of the applicant to convert his Resignation into Voluntary Retirement was not acceded to as it may upset the Administrative Laws/Rules and could cause chaos in the effective implementation of Rules/Policy of the Government of India.

The Committee also observe that based on a reference from Shri Anant Kumar Geete, Hon'ble Minister of Heavy Industries & Public Enterprises, the Department of Telecommunications had forwarded a proposal to the Ministry of Personnel, Public Grievances & Pensions (Department of Pension & Pensioners' Welfare) for conversion of the resignation of Shri Arvind Sawant into VRS and to relax the standards for grant of VRS under Rule 48-A of the CCS (Pension) Rules, 1972 on completion of 20 years of service. However, after reviewing his case, the request of Shri Arvind Sawant to convert his resignation into VRS was not acceded to by the Minister of State (Comm.) and the relevant VIP reference was disposed of on 14.07.2017.

The Committee further observe from a letter dated 20.2.1996 of the General Manager addressed to the DDG (Personnel), Department of Telecom, wherein it was stated that since, there was no earlier incidence like this, the MTNL accepted his resignation. It was requested to examine the case keeping in view the fact that the official was not elected on a Party basis but actually nominated by the Governor of the State of Maharashtra and also to explore the possibility of being in Foreign Service as in the case of Union Office Bearers to retain his lien with the Department.

The Committee also observe from a letter dated 23.9.2010 of the Senior Manager (Personnel) addressed to Director (Staff), Department of Telecom, wherein, it was requested to examine the case once again favourably to consider the total length of service rendered by Shri Arvind Sawant, i.e., 19 years, 10 months and 24 days, to

make him eligible for the payment of Pension under the CCS (Pension) Rules, 1972 after rounding off as 20 years which had the approval of the Competent Authority. The Department of Telecom had not considered the averments made in the aforesaid letter(s) of the General Manager and the Senior Manager.

In view of the aforementioned sequence of events and also the fact that Shri Arvind Sawant, M.P., had not contested any election and was nominated for becoming a Member of Legislative Council by the Hon'ble Governor of Maharashtra which would always remain as a matter of distinguishable pride for the MTNL, the Committee urge the Ministry of Communications (Department of Telecommunications), the Ministry of Personnel, Public Grievances & Pensions (Department of Pension & Pensioners' Welfare and the Department of Personnel & Training) to reconsider the case of Shri Arvind Sawant to treat his Resignation as a Voluntary Retirement and allow him to avail all the consequential benefits, including the drawal of Pension, as applicable in the case of an employee who retire from service on attaining the age of superannuation. For this purpose, the shortfall in the qualifying service for being eligible for drawal of Pension could be considered for appropriate condonation, as a Special Case, not to be quoted as a precedent. The Committee would like to be apprised of the conclusive action taken by the Authorities concerned in this regard within three months from the date of presentation of this Report to the House."

6. The Ministry of Communications (Department of Telecommunications), in their action taken replies, have submitted as follows:-

"The letter dated 20.02.1996 of MTNL was replied by Department of Telecom after making necessary consultation with the Nodal Ministry, i.e., Department of Personnel & Training (DoPT), vide letter dated 25.07.1996. The Department of Telecom in its letter dated 25.07.1996 stated that a person cannot be a legislator as well as a Government servant at the same time and stated that resignation of Shri Sawant accepted by MTNL was in order. It was further stated that lien of Shri Sawant could not be retained.

The Department of Telecom vide its letter No. 6-5/96-NCG dated 28.01.2000, while reiterating the earlier decision further clarified to the CMD, MTNL that existing provision do not provide for treating Shri Sawant's tenure as MLC as foreign service and informed that the request for same could not be agreed to.

As regards a letter dated 23.9.2010 of the Senior Manager (Personnel) addressed to Director (Staff), Department of Telecom, it is submitted that the above-mentioned letter dated 23.09.2010 of MTNL was disposed on 29.10.2010 by reiterating that resignation under Rule 26(1) of CCS (Pension) Rules entails forfeiture of past services.

On receipt of the recommendations of Committee on Petitions, Lok Sabha, the matter has been re-examined in Department of Telecommunications in consultation with the Department of Personnel & Training and the Department of Pension & Pensioners' Welfare. It is stated that Rule 26(4) of CCS (Pension) Rules, 1972

contains provision for withdrawal of resignation, provided the period of absence from duty between date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days. In terms of DoP&T O.M. No. 28035/2/2007-Estt. (A) dated 04.12.2007, case may be considered after 90 days in exceptional circumstances only, if the time limit is exceeded only very marginally. It is further stated that Rule 26 and instructions issued by the DoPT on resignation do not provide for converting resignation tendered to voluntary retirement.

Regarding voluntary retirement before completion of 20 years of qualifying service, it is submitted that as per provisions of Rule 48A of CCS (Pension) Rules, 1972, twenty years of qualifying service is the pre-requisite for consideration of case of voluntary retirement. It is submitted that as per service book/records of Shri Arvind Sawant, the then JTO, MTNL Mumbai, the length of service on the effective date of his resignation [i.e., on 31.01.1996] is given as under:-

- (i) Pre-appointment training period w.e.f., 08.03.1976 to 04.11.1976- Total : 07 months and 28 days (\*\*).
- (ii) Service period w.e.f., 01.02.1977 to 31.01.1996 – Total 19 years

[\*\*Interruption i.e., delay between completion of training and actual appointment w.e.f., 05.11.1976 to 31.01.1977 Total: 02 months and 27 days is condoned as the same was purely administrative in nature, which results in counting of pre-appointment training period as qualifying service in terms of Rule 22 of CCS (Pension) Rules read with decision of Government of India (Decision No 36-14/88-NB/T/Pen, dated 25.06.1990). There is no specific provision in Rules/instructions with regard to counting of interruption period i.e., period between date of completion of training and appointment, even if the interruption on account of administrative delay is condoned.

Therefore, the length of service of Shri Arvind Sawant was 19 years 07 months and 28 days, which was less than 20 years on the date of his resignation (i.e., 31.01.1996) even after condonation of interruption caused on account on delay in issuing appointment orders of Shri Sawant. Accordingly, it is not possible to convert the resignation tendered by Shri Arvind Sawant into Voluntary retirement and granting pensionary benefits thereof to him."

7. The Ministry of Personnel, Public Grievances & Pensions (Department of Pension & Pensioners' Welfare), in their action taken replies, have submitted as follows:-

"Based on a reference from Shri Anant Kumar Geete, Hon'ble Minister of Heavy Industries and Public Enterprises, Department of Telecommunication (DoT) forwarded a proposal to Department of Pension and Pensioners' Welfare vide their note dated 08.05.2017 for conversion of resignation of Shri Arvind Sawant into Voluntary Retirement. The matter was considered in this Department and it was observed that matters regarding resignation and voluntary retirement from service

are looked after by Department of Personnel & Training (DoP&T). DoT was, therefore, advised vide I.D. Note No. 28/02/2017-P&PW (B) dated 24.05.2017 to consult DoP&T in the above matter. Department of Pension & Pensioners' Welfare did not receive any further communication from DoT or DoPT in this respect.

*The matters regarding resignation and voluntary retirement from service come under the purview of DoP&T. A decision on the recommendation of the Committee to treat the resignation of Shri Arvind Sawant as voluntary retirement is required to be taken by DoT and DoP&T. In case DoT/DoP&T decide to treat the resignation tendered by Shri Arvind Sawant as voluntary retirement, Shri Sawant would be eligible for grant of pension in accordance with Rule 49 of CCS(Pension) Rules, 1972."*

8. On the aforementioned Action Taken Replies, the Committee on Petitions, in their sitting held on 7 August, 2020 decided to hold further oral evidence of the representatives of the Ministry of Communications (Department of Telecommunications) and the Ministry of Personnel, Public Grievances & Pensions (Department of Pension & Pensioner's Welfare) and (Department of Personnel & Training).

9. Further oral evidence of the representatives of the Ministry of Communications (Department of Telecommunications) and the Ministry of Personnel, Public Grievances & Pensions (Department of Pension & Pensioner's Welfare) and (Department of Personnel & Training) on the representation of Shri Arvind Sawant, M.P., Lok Sabha requesting *inter alia* to review his case of premature resignation from MTNL was, accordingly, held on 17 August, 2020.

10. After undergoing detailed discussion on the aspect of conversion of 'resignation' tendered by Shri Arvind Sawant, the then JTO, MTNL Mumbai to 'voluntary retirement' for being eligible for drawal of pension, with the Ministries concerned, the Ministry of Communications (Department of Telecommunications) *vide* their Office Memorandum dated 3 September, 2020 have submitted before the Committee that the matter has been re-examined, in consultation with the DoPT, being the Nodal Ministry. The Ministry have also furnished their comments, as follows:-

- (i) *There is no provision in the rules which provide the conversion of resignation into voluntary retirement.*
- (ii) *There is an explicit Rule 26 of the CCS(Pension) Rules, 1972 which provides that resignation entails forfeiture of past service.*
- (iii) *Once the resignation is accepted and the Government servant relieved of his duties, even the withdrawal of resignation is permissible to a limited extent within a period of 90 days or marginally higher under Rule 26(4) of the CCS(Pension) Rules, 1972.*

- (iv) *Once the resignation attains finality after release of Government servant from Government service, the service rendered by the Government servant stands forfeited and the question of conversion of resignation into voluntary retirement does not arise even if the Government servant would have served for more than 20 years of qualifying service.*
- (v) *It is for the Government servant to choose the option of resignation or voluntary retirement if a person has rendered more than 20 years of qualifying service. Once having chosen the option of resignation, it cannot be converted into voluntary retirement subsequently in the absence of any rules supporting such an action. In the recent case of BSES Yamuna Power Ltd. Vs Ghanshyam Chand Sharma, the Hon'ble Supreme Court has categorically ruled that "..Even if the first respondent had served twenty years, under Rule 26 of the CCS Pension Rules, his past service stands forfeited upon resignation." Therefore, once the Government servant resigns from service, his service stands forfeited as per Rule 26 of the CCS Pension Rules and he is not entitled to any pensionary benefits even when the Government servant has served for 20 years.*
- (vi) *Invoking of powers under Rule 88 of CCS(Pension) Rules, 1972 is also not appropriate in the absence of any rule allowing conversion of resignation into voluntary retirement. Further, Rule 88 can be applied when it causes undue hardship which was unforeseen or unremitted one. The fact that resignation entails forfeiture of past service is known to a Government servant when he resigns from Government service.*
- (vii) *DoP&T has not agreed to similar cases governing the Central Government employees.*

11. The Ministry of Communications (Department of Telecommunications), while concluding their comments have unequivocally submitted before the Committee that it is not found feasible to convert the resignation of Shri Arvind Sawant into voluntary retirement and granting pensionary benefits thereof to him in the absence of any rules/provisions supporting the same.

## OBSERVATIONS/RECOMMENDATIONS

### Co-ordination amongst various Departments of Government of India

12. The Ministry of Personnel, Public Grievances & Pensions (Department of Pension & Pensioners' Welfare), in their action taken replies, have submitted that the matters regarding resignation and voluntary retirement from service come under the purview of Department of Personnel & Training and a decision on the recommendation of the Committee to treat the resignation of Shri Arvind Sawant as voluntary retirement is required to be taken up by the Department of Telecommunications and the Department of Personnel & Training. In case, DoT/DoPT decide to treat the resignation tendered by Shri Arvind Sawant as voluntary retirement, Shri Sawant would be eligible for grant of pension in accordance with Rule 49 of the CCS(Pension) Rules, 1972. The Department of Telecommunications was, therefore, advised *vide* Letter No. 28/02/2017-P&PW (B) dated 24.05.2017 to consult DoPT in the above matter. Department of Pension & Pensioners' Welfare did not receive any further communication from DoT or DoPT in this respect.

13. The Committee are not satisfied to observe that in spite of the unequivocal opinion expressed by the Ministry of Personnel, Public Grievances & Pensions (Department of Pension & Pensioners' Welfare) to the effect that all matters connected with resignation and/or voluntary retirement from service come under the purview of DoPT and any decision to treat the resignation tendered by the representationist as voluntary retirement is to be taken by his parent department, i.e., the Department of Telecommunications and the Department of Personnel & Training, no concerted efforts have been made by either Department to arrive at a legally-tenable decision on the grievances of the representationist which is now as old as 24 years. The Committee are further perplexed by the fact that even though the Department of Personnel & Training is one of the most important Departments under the Ministry of Personnel, Public Grievances & Pensions

for deciding various intricate service-related issues with the desired level of alacrity, the Ministry had not been able to impress upon their own Department to liaise with the parent Department of the representationist, i.e., the Department of Telecommunications to amicably settle this issue in terms of relevant Rules/Orders/ Guidelines on the subject. The Committee, therefore, once again reiterate that the request of the representationist to consider the 'Resignation' tendered by him on 31 January, 1996 from the post of JTO as 'Voluntary Retirement' should be dealt with and decided in accordance with relevant Rules/Orders, etc., on the subject within three months from the date of presentation of this Report to the House.

Condonation of the shortfall in the qualifying service for being eligible for drawal of Pension as a 'Special Case'

14. The Committee, while undertaking detailed examination of the instant representation, had noted that Shri Arvind Sawant, then JTO, Mahanagar Telephone Nigam Limited, Mumbai (now Hon'ble Member of Parliament, Lok Sabha) had not contested any election and was nominated by the Hon'ble Governor of Maharashtra for becoming a Member of Legislative Council. As a consequence of in-depth analysis of various determining factors vis-a-vis Rules and Orders on the subject, the Committee on Petitions, in their Sixty Fourth Report (Sixteenth Lok Sabha), had *inter alia* urged the Ministry of Communications (Department of Telecommunications), Ministry of Personnel, Public Grievances & Pensions (Department of Pension & Pensioners' Welfare and Department of Personnel & Training) to reconsider the request of Shri Arvind Sawant for condoning the shortfall in the qualifying service for being eligible for drawal of Pension as a 'Special Case' and allow him to avail all the consequential benefits, including the drawal of Pension, as applicable in the case of an employee who retires from service on attaining the age of superannuation.

15. In response, the Ministry of Communications (Department of Telecommunications), in their action taken replies, have stated that the matter was re-examined in the Department of Telecommunications in consultation with the Department of Personnel & Training (DoPT) and the Department of Pension & Pensioners' Welfare. Rule 26(4) of CCS (Pension) Rules, 1972 contains provision for withdrawal of resignation, provided that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days. Besides, in terms of DoPT O.M. No. 28035/2/2007-Estt. (A) dated 04.12.2007, the case could be considered even after 90 days in exceptional circumstances only if the time limit is exceeded marginally. It has further been stated that Rule 26 and the instructions issued by the DoPT on resignation do not provide for converting 'resignation' tendered to 'voluntary retirement'.

16. On the aspect of voluntary retirement before completion of 20 years of qualifying service, the Ministry of Communications (Department of Telecommunications), in their action taken replies, have submitted that as per provisions of Rule 48-A of the CCS (Pension) Rules, 1972, 20 years of qualifying service is the pre-requisite for consideration of the case of voluntary retirement. As per the Service Book/Records of Shri Arvind Sawant, then JTO, Mahanagar Telephone Nigam Limited, Mumbai, the length of service on the effective date of his resignation, i.e., on 31.01.1996 is as follows:-

- (i) Pre-appointment training period, w.e.f., 08.03.1976 to 04.11.1976 - Total: 07 months and 28 days\*.
- (ii) Service period, w.e.f., 01.02.1977 to 31.01.1996 – Total 19 years

*[\*Interruption, i.e., delay between completion of training and actual appointment, w.e.f., 05.11.1976 to 31.01.1977 Total: 02 months and 27 days*

*is condoned as the same was purely administrative in nature, which results in counting of pre-appointment training period as qualifying service in terms of Rule 22 of CCS (Pension) Rules read with decision of Government of India (Decision No 36-14/88-NB/T/Pen, dated 25.06.1990].*

17. The Ministry of Communications (Department of Telecommunications) have also stated that there is no specific provision in the Rules/Instructions with regard to counting of interruption period, i.e., period between date of completion of training and appointment, even if the interruption on account of administrative delay is condoned and, therefore, as the length of service of Shri Arvind Sawant was less than 20 years on the date of his resignation (i.e., 31.01.1996) even after condonation of interruption caused on account of delay in issuing appointment orders of Shri Sawant, it is not possible to convert the resignation tendered by Shri Arvind Sawant into Voluntary Retirement and granting pensionary benefits to him.

18. With a view to examining the action taken replies furnished by the Ministry vis-a-vis the grievances expressed by Shri Arvind Sawant in his representation, the Committee appreciate the candid submissions made by the Ministry before the Committee on Petitions that a period of 2 months and 27 days has been condoned as the same was purely administrative in nature, which could be regarded as counting of pre-appointment training period as qualifying service in terms of Rule 22 of CCS (Pension) Rules. Nevertheless, the Ministry, in their submissions before the Committee, had put forward the following two aspects for not considering the request of Shri Arvind Sawant for converting his resignation into voluntary retirement and granting of pensionary benefits to him:-

- (i) *Rule 26 and the instructions issued by the DoPT on resignation do not provide for converting 'resignation' to 'voluntary retirement'; and*

- (ii) *There is no specific provision in the Rules/Instructions with regard to counting of interruption period, i.e., the period between the date of completion of training and appointment.*

19. The Ministry of Communications (Department of Telecommunications) vide their Office Memorandum dated 3 September, 2020, which was consequent to further oral evidence of the Ministries concerned held on 17 August, 2020, have further submitted before the Committee that the matter has been re-examined, in consultation with the DoPT, being the Nodal Ministry and it is not found feasible to convert the resignation of Shri Arvind Sawant into voluntary retirement and granting pensionary benefits thereof to him in the absence of any rules/provisions supporting the same.

20. While examining the aforementioned determining factors for not acceding to the request of Shri Arvind Sawant, M.P., the Committee are of the considered opinion that the Ministry had neither given clarification on any of the requests made by the Hon'ble Member of Parliament, in his representation, nor offered any convincing reasoning by way of co-relating it with the extant Rules/Orders/Guidelines on the subject as well as any precedent on the basis of which they could accede/could not accede to his request. The Committee, therefore, while exercising due caution and brevity, would again like to bring to the fore the following three centripetal aspects which were raised by Shri Arvind Sawant, Hon'ble Member of Parliament, in his initial representation, as under:-

- (i) *His resignation from Department of Telecommunications (DoT) be rescinded and vacated as 'Non est factum' (Latin for "it is not [my] deed").*
- (ii) *The shortfall period of 36 days in service may be adjusted either by giving him lien in the DoT for the period from 1.2.1996 to 7.3.1996; or by treating him on leave as may be due from 1.2.1996 to 7.3.1996.*
- (iii) *He may be allowed to seek Voluntary Retirement, w.e.f., 8.3.1996.*

21. The Committee, therefore, once again feel that the request of Shri Arvind Sawant could again be examined by all the Ministries concerned on the aforementioned three aspects and thereafter, a reasonable way out could be found to treat his resignation a voluntary retirement as a 'Special Case' not to be quoted as a precedent so that he could avail all the consequential benefits, including the drawal of Pension, as applicable in the case of an employee who retires from service on attaining the age of superannuation. The Committee would like to be apprised of the conclusive action taken by the Authorities concerned in this regard.

NEW DELHI;

16 September, 2020

25 Bhadrapada, 1942 (Saka)

DR. VIRENDRA KUMAR,  
Chairperson,  
Committee on Petitions.

MINUTES OF THE FIFTH SITTING OF THE COMMITTEE ON PETITIONS  
(SEVENTEENTH LOK SABHA)

The Committee met on Friday, 7 August, 2020 from 1200 hrs. to 1330 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Dr. Virendra Kumar - Chairperson

MEMBERS

2. Smt. Anupriya Patel
3. Shri Brijendra Singh
4. Shri Sushil Kumar Singh
5. Shri Rajan Vichare

SECRETARIAT

1. Shri Raju Srivastava - Director
2. Shri G. C. Dobhal - Additional Director

WITNESSES

XXX XXX XXX

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

3. XXX XXX XXX XXX

4. XXX XXX XXX XXX

5. XXX XXX XXX XXX

6. The Committee then considered the following draft Reports:-

(i) XXX XXX XXX XXX

(ii) XXX XXX XXX XXX

- (iii) Action Taken by the Government on the recommendations made by the Committee on Petitions (Sixteenth Lok Sabha) in their Sixty-Fourth Report on the Representation of Shri Arvind Sawant, M.P., Lok Sabha requesting to review his case of premature resignation from MTNL and other related issues.

7. The Committee after considering the above three draft Reports decided to adopt two draft Reports mentioned at para 6(i) and 6(ii) above without any modifications. However, in respect of the draft Report mentioned at para 6(iii) above, the Committee decided to take further oral evidence of the representatives of the Ministry of Communications (Department of Telecommunications) and the Ministry of Personnel Public Grievances & Pensions (Department of Pension & Pensioners Welfare and Department of Personnel & Training) on the Action Taken Replies furnished by the Ministries/Departments concerned on the implementation of the recommendations made by the Committee on Petitions (Sixteenth Lok Sabha) in their Sixty-Fourth Report on the Representation of Shri Arvind Sawant, M.P., Lok Sabha requesting to review his case of premature resignation from MTNL and other related issues, in the next sitting of the Committee.

8.     XXX                             XXX                             XXX                             XXX

9. A copy of the verbatim record of the proceedings of the sitting of the Committee has been kept on record.

The Committee, then, adjourned.

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XXX- Does not pertain to this Report.

**MINUTES OF THE SIXTH SITTING OF THE COMMITTEE ON PETITIONS  
(SEVENTEENTH LOK SABHA)**

The Committee met on Monday, 17 August, 2020 from 1200 hrs. to 1300 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

**PRESENT**

Dr. Virendra Kumar - Chairperson

**MEMBERS**

2. Shri Anto Antony
3. Shri Brijendra Singh
4. Shri Sushil Kumar Singh
5. Shri Rajan Baburao Vichare

**SECRETARIAT**

2. Shri Raju Srivastava - Director
3. Shri G.C. Dobhal - Additional Director

**WITNESSES**

**MINISTRY OF COMMUNICATIONS  
(DEPARTMENT OF TELECOMMUNICATIONS)**

1. Shri Bharat Kumar Jog - Member (Services)
2. Shri P.K. Purwar - CMD, MTNL
3. Shri Arvind Kumar Singh - DDG (Personnel)

**MINISTRY OF PERSONNEL, P.G. AND PENSIONS  
(DEPARTMENT OF PENSION AND PENSIONERS WELFARE)  
&  
(DEPARTMENT OF PERSONNEL & TRAINING)**

1. Dr. Kshatrapati Shivaji - Secretary (DoPPW)
2. Ms. Sujata Chaturvedi - Addl. Secretary (DoPT)
3. Ms. G. Jayanti - Joint Secretary (DoPT)

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

*[The representatives of the Ministry of Communications (Department of Telecommunications) and Ministry of Personnel, P.G. and Pensions (Department of Pensions and Pensioners Welfare and Department of Personnel & Training) were ushered in]*

3. After welcoming the representatives of the Ministry of Communications (Department of Telecommunications) and Ministry of Personnel, P.G. and Pensions (Department of Pensions and Pensioners Welfare and Department of Personnel & Training), the Hon'ble Chairperson drew their attention to Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings of the Committee.

4. Thereafter, Hon'ble Chairperson, recalled that the Committee on Petitions (16th Lok Sabha) had considered the Representation of Shri Arvind Sawant, M.P., Lok Sabha requesting to review his case of premature resignation from MTNL and other related issues and presented their Sixty-Fourth Report thereon in Lok Sabha on 11 February, 2019. In their earlier Report, the Committee on Petitions (16th Lok Sabha) had urged all the three Ministries, viz., Ministry of Communications (Department of Telecommunications), the Ministry of Personnel, Public Grievances & Pensions (Department of Pension & Pensioners' Welfare and the Department of Personnel & Training) to reconsider the case of Shri Arvind Sawant, M.P., Lok Sabha to treat his 'resignation' as 'voluntary retirement' by treating it as a 'Special Case' and allow him to avail all the consequential benefits, including the drawal of Pension, as applicable in the case of an employee who retires from service on attaining the age of superannuation. The Committee had also thrust upon the following three aspects which were raised by Shri Arvind Sawant, Hon'ble Member of Parliament, in his Representation:-

- (i) *His resignation from Department of Telecommunications (DoT) be rescinded and vacated as 'Non est factum' (Latin for "it is not [my] deed").*
- (ii) *The shortfall period of 36 days in service may be adjusted either by giving him lien in the DoT for the period from 1.2.1996 to 7.3.1996; or by treating him on leave as may be due from 1.2.1996 to 7.3.1996.*
- (iii) *He may be allowed to seek Voluntary Retirement, w.e.f., 8.3.1996.*

5. The Ministries concerned, in their action taken replies, had not offered any reasonable solution to the recommendations made in their Sixty-Fourth Report on the Representation of Shri Arvind Sawant, M.P., Lok Sabha to review his case of premature resignation from MTNL. Therefore, the representatives of the Ministry of Communications (Department of Telecommunications) and Ministry of Personnel, P.G. and Pensions (Department of Pensions and Pensioners' Welfare and Department of Personnel & Training) were asked to explain their position before the Committee and to suggest a possible way out so that the Committee could reach on an appropriate decision in the matter.

6. The representatives of the Ministries concerned, reiterated their earlier position as submitted in their Action Taken Replies, and put forth the following points before the Committee:-

- (i) Shri Arvind Sawant, M.P. Lok Sabha had tendered his 'resignation' from the post of JTO on 31 January, 1996 on account of his nomination as Member of Legislative Council by

the then Hon'ble Governor of Maharashtra and the same was accepted on 7 February, 1996.

- (ii) Rule 26(4) of CCS (Pension) Rules, 1972 contains provision for withdrawal of resignation, provided that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than 90 days.
- (iii) The resignation could be considered even after 90 days in exceptional circumstances only if the time limit is exceeded marginally.
- (iv) *There is no specific provision in the Rules/Instructions with regard to counting of interruption period, i.e., the period between the date of completion of training and appointment, however, even after the interruption period of 2 months and 27 day on account of administrative delay is condoned, the length of service of Shri Arvind Sawant was less than 20 years on the date of his resignation (i.e., 31.01.1996).*
- (v) Rule 26 under the CCS (Pension) Rules, 1972 and the instructions issued by the DoPT on resignation do not provide for converting 'resignation' to 'voluntary retirement'.

7. After hearing the views of the representatives of the Ministry of Communications (Department of Telecommunications), Ministry of Personnel, Public Grievances & Pensions (Department of Pension & Pensioners' Welfare and Department of Personnel & Training), the Committee expressed their views, as under:-

- (i) The mandate of the Committee on the Petitions *inter alia* includes receiving and examination of genuine grievances or representations from employees or ex-employees of Government of India.
- (ii) Shri Arvind Sawant, the then JTO, Mahanagar Telephone Nigam Limited, Mumbai (*now Hon'ble Member of Parliament, Lok Sabha*) had not contested any election and was nominated by the Hon'ble Governor of Maharashtra for becoming a Member of Legislative Council. It is a matter of pride for the Department.
- (iii) The Ministry had neither given clarification on any of the requests made by the Hon'ble Member of Parliament, in his representation, nor offered any convincing reason by way of co-relating it with the extant Rules/Orders/Guidelines on the subject as well as any precedent on the basis of which they could accede/could not accede to his request.
- (iv) Had Shri Sawant been appropriately informed by the Department about the repercussion of his resignation, he would definitely have not opted for it. The Committee, therefore, directed the Ministry of Communications (Department of Telecommunications)

and Ministry of Personnel, P.G. and Pensions (Department of Pensions and Pensioners Welfare and Department of Personnel & Training) to review the entire matter and find out a reasonable solution of the request of Shri Arvind Sawant, M.P. Lok Sabha.

- (v) All the three Departments should re-consider the request of Shri Arvind Sawant for condoning the shortfall period in the qualifying service for being eligible for drawal of Pension as a 'Special Case' and allow him to avail all the consequential benefits, including the drawal of Pension, as applicable in the case of an employee who retires from service on attaining the age of superannuation.

8. The Committee also directed the Ministries/Departments to appraise the Committee of their version within a period of 10 days.

*[The representatives of the Ministry of Communications (Department of Telecommunications) and Ministry of Personnel, P.G. and Pensions (Department of Pensions and Pensioners Welfare and Department of Personnel & Training), then, withdrew]*

9. XXXX

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10. A copy of the verbatim record of the proceedings of the sitting of the Committee has been kept.

*The Committee, then, adjourned.*

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XXXX- Does not pertain to this Report.

**MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE ON PETITIONS  
(SEVENTEENTH LOK SABHA)**

The Committee met on Wednesday, 16 September, 2020 from 1100 hrs. to 1200 hrs. in Room No.117, Chairman's Chamber, Parliament House Annexe Extension, New Delhi.

**PRESENT**

Dr. Virendra Kumar                      -                      Chairperson

**MEMBERS**

2. Shri Harish Dwivedi
3. Shri P. Raveendranath Kumar
4. Shri P. K. Kunhalikutty
5. Dr. Bharati Pravin Pawar
6. Shri Brijendra Singh
7. Shri Prabhubhai Nagarbhai Vasava
8. Shri Rajan Vichare

**SECRETARIAT**

1. Shri T. G. Chandrasekhar                      -                      Joint Secretary
2. Shri Raju Srivastava                      -                      Director
3. Shri G. C. Dobhal                      -                      Additional Director

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

3. The Committee then considered the following draft Reports:-

- |       |  |     |     |     |
|-------|--|-----|-----|-----|
| (i)   | ***  | *** | *** | *** |
| (ii)  | ***  | *** | *** | *** |
| (iii) | Action Taken Report on the Action Taken by the Government on the recommendations made by the Committee on Petitions (Sixteenth Lok Sabha) in their Sixty-Fourth Report on the representation of Shri Arvind Sawant, M.P., Lok Sabha requesting to review his case of premature resignation from MTNL and other related issues; and |     |     |     |
| (iv)  | ***  | *** | *** | *** |

4. After discussing the above mentioned Draft Reports in detail, the Committee adopted all the four Action Taken Reports without any modification(s). The Committee also authorised the Chairperson to finalise the Draft Reports and present the same to the House.

The Committee, then, adjourned.

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\*\*\* Does not pertain to this Report.