



NO: 500-85/CA-II/BSNL/EPF/2011/Vol.V

Dated: 21.09.2011

To

The Chief General Manager
All BSNL Circles

Sub: Refund of employee's share of contribution towards EPF for the past period
Ref: Decision of Hon'ble High Court Madras dated 19.07.2011 in Writ Petition
No. 10659/2011 filed by AIGETOA

Kindly refer to writ petition under reference filed by AIGETOA challenging the order passed by the Central Administrative Tribunal dated 03.09.2010, made in O.A. No. 33 of 2010, regarding refund of employee's share of contribution towards EPF for the past period recovered by BSNL at time of bringing uniformity of EPF contribution vide this office Circular No. 44 dated 12.08.2005. The Writ Petition has been dismissed by Hon'ble High Court Madras stating that *"It is nothing but a mistake in payment of provident fund contribution by the employer in deduction from the contribution by the employee as well the payment made by the Board. It was also rectified later on the basis of the undertaking given by the petitioners. Hence, the attempt made by the petitioners in seeking a direction to refund the amount by filing the original application as well as the writ petition is illegal in the teeth of the undertaking given by the employees."*(Copy of the judgement is enclosed).

In the light of decision given by Hon'ble High Court, Madras as stated above, all circles are requested to defend their cases wherever similar cases are pending in consultation with their legal cells and various instructions issued by this office in this regard from time to time under intimation to this office.

Encl: As above.

(Rajeev Singh)
General Manager (CA)

Copy to:

1. PGM (Finance)/GM (Finance)/ IFAs, All BSNL Circles for taking N/A.
2. CS & Sr. GM (Legal), CO, BSNL.
3. Sr. GM (SR), CO, BSNL, New Delhi, for information.
4. AGM(R&P), CO BSNL, New Delhi.
5. CPAO (ITI) Bills, Bengaluru.