

**CORPORATE OFFICE:**

5th Floor  
Labour Establishment(LE) Section  
Establishment Branch  
TEL: 011-23734364, 23734051(Fax)  
Email:labouresttbsnlco@gmail.com



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

**File No.11-3/2014-LE(ii)**

**Dated: 17.07.2019**

**To**

**All the Heads of Telecom Circles/  
Telecom Districts of BSNL/Administrative Units.  
BSNL.**

Sub:To provide data of casual labourers including TSM who have been extended benefits of Gratuity by BSNL Board.

Sir,

The undersigned is directed to refer to above-mentioned subject, it may be stated that vide this office order no.11-3/2014-LE dated 14.11.2018 approval of BSNL Board was conveyed for extension of benefits of Gratuity to casual labourers/TSMs.

However, the actual process of calculating gratuity as well as the actuarial valuation including assessment of the completed years of service is yet to be completed as raised by CA section. The important sections of Payment Of Gratuity Act, 1972 is iterated as under:[section 2(b)&(c) of Payment Of Gratuity Act, 1972 read with section 2(A) of the Act ] .

2(b) "completed year of service" means continuous service for one year;

2(c) "continuous service" means continuous service as defined in section 2A;

*Section 2A.Continuous service,-for the purposes of this Act,-*

(1) an employee shall be said to be in continuous service for a period if he has, for that period, been in uninterrupted service, including service which may be interrupted on account of sickness, accident, leave, absence from duty without leave (not being absence in respect of which an order treating the absence as break in service has been passed in accordance with the standing orders, rules or regulations governing the employees of the establishment), lay off, strike or a lock out or cessation of work not due to any fault of the employees, whether such uninterrupted or interrupted service was rendered before or after the commencement of this Act;

(2)where an employee (not being an employee employed in a seasonal establishment) is not in continuous service within the meaning of clause (1), for any period of one year or six months, he shall be deemed to be in continuous service under the employer-

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(a) for the said period of one year, if the employee during the period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than-

(i) one hundred and ninety days, in the case of any employee employed below the ground in a mine or in an establishment which works for less than six days in a week; and

(ii) two hundred and forty days, in any other case;

(b) for the said period of six months, if the employee during the period of six calendar months preceding the date with reference to which the calculation is to be made, has actually worked under the employer for not less than-

(i) ninety five days, in the case of an employee employed below the ground in a mine or in an establishment which works for less than six days in a week; and  
(ii) one hundred and twenty days, in any other case.

[Explanation-For the purposes of clause(2) the number of days on which an employee has actually worked under an employer shall include the days on which-

(i) he has been laid off under an agreement or as permitted by standing orders made under the Industrial Employment(standing Order) Act, 1946 (20 of 1946) or under the Industrial Dispute Act, 1947 (14 of 1947), or under any other law applicable to the establishment;

(ii) he has been on leave with full wages, earned in the previous year;

(iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and

(iv) in the case of a female, she has been on maternity leave; so, however, that the total period of such maternity leave does not exceed twelve weeks.]

(3) where an employee, employed in a seasonal establishment, is not in continuous service within the meaning of clause(1), for any period of one year or six months, he shall be deemed to be in continuous service under the employer for such period if he has actually worked for not less than seventy five percent, of the number of days on which the establishment was in operation during such period]

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Note:For calculating the continuous years of service 240 days a year has to be taken by considering the section 2(b)&(c) along with Section 2(A) of the Payment of Gratuity Act, 1972.

It is requested to furnish the data in respect of casual labourers/TSMs in the given format as under by 25.07.2019 both in hard and soft copies in Excel to email id-labourestbsnlco@gmail.com. Also, the same data may be kept ready to make entries in the ERP system for the number of continuous years of service [240 days in a year] when this provision is made in ERP.

Sr No	Name	CL or TSM	Date of Birth	Date of Engagement	Continuous years of service @240days in a year	Date of superannuation/ Expiry/Left	Basic in Rs	DA	Total wages	Remarks
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The above exercise is in compliance of statutory provisions of GOI and, hence, due care and alertness may be observed in completing the same.

  
17/7/19  
(Keshav Kumar)

Asstt. General Manager (Estt.II)