



Bharat Sanchar Nigam Limited
(A Government of India Enterprise)

Corporate Office
Establishment-IV Section

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Bharat Sanchar Bhawan
Jan path, New Delhi-110001
Website: www.bsnl.co.in

No. 7-1/Gen/2017/Estt-IV/

Dated: 25th OCT, 2018

To
All Heads of Telecom Circles,
Bharat Sanchar Nigam Limited,

Subject: Representations/court cases for grant of status of DoT employee absorbed in BSNL and to get the benefits under the Rule-37A of CCS (Pension) Rule 1972.

The undersigned is directed to say that several instances have come to notice in this office from different Telecom circles towards the representations/court cases filed by officials (who had been appointed as TTA against the advertisement dated 22.7.2000 at the time of DoT but examination was held on 18th -19th November,2000 after formation of BSNL) and raised the following points as under;

- (1) For granting status of DoT employee absorbed in BSNL and to get the benefits under the Rule-37 A of CCS (Pension) Rule 1972 as applicable to the Government employees by clubbing and accumulating the length of service done in appointed cadre and thereafter promoted/upgraded in past , present and future together into the DoT .
- (2) Recently, DoT issued an order vide letter no.61-4/2016-SU dated 29.09.2016, approving BSNL Board decision to contribute 3% of Basic+DA employees's salary to form a pension fund for BSNL recruited employees. The date of effect of that order was from the date of approval of BSNL Board(i.e 14.07.2016.) From this order , it is very clear that , the fifteen years which we served in BSNL is neither going to be considered for statutory pension under CCS (Pension) Rule nor for BSNL Pension, even though we have served and paid equal to an employee transferred from erstwhile DoTS under DoT, which is a grave injustice to us.

In this connection it is intimated that case has been examined and some inputs are provided in Annexure A to this letter :

You are therefore requested to issue common reply on the basis of aforesaid inputs for disposal of representations and defend the Court cases if any in your circle. This issues with the approval of competent authority.

Enclosure : As above (Three Pages)

Parimal Kumar
25.10.18
(Parimal Kumar)

Assistant General Manager (Estt-IV)

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- A. The employees recruited by the Department of Telecommunication and who joined before 01.10.2000 i.e., date of formation of BSNL are called DoT recruited employees who were transferred enmasse in BSNL and later on absorbed therein by calling the option for absorption in BSNL. Furthermore, even the transferred DoT employees who did not exercise the absorption of BSNL employees have been transferred back to the DoT.
- B. In the present case the recruitment process for the post of TTA was carried out and completed by the BSNL. The examination in question was conducted on 18-19th November, 2000, which shows that the whole recruitment process i.e., conduct of examination, declaration of the result and pre-appointment formalities and induction training etc. had been carried out by the BSNL.
- C. Applicants were appointed after 1.10.2000 and are Recruittee of the BSNL and their services are governed by the BSNL Rules for all intent and service purposes like EPF and pay fixation and allowances etc. Moreover, these candidates had also entered into Bond Agreement of Service with BSNL before accepting the offer of appointment which was issued by BSNL and duly accepted by the said candidates. The conscious and unconditional entry of above applicant in service bond agreement with BSNL bears testimony to their acceptance of their appointment to the post of TTA in BSNL. Furthermore, it has already been clarified vide letter dated 6.5.2008 of BSNL Corporate Office, New Delhi that the employees whose appointment orders are issued by BSNL will be treated as BSNL employees. Moreover, the condition mentioned in the appointment letter is not under challenge. Once, the applicants have accepted all terms and conditions mentioned in the appointment letter, therefore, at this stage, their claim is barred by principle of estoppels. Claim of the applicants is hit by the doctrine of issue Estoppel. Reliance in this behalf has been placed on **Y.B. Patil and Others Vs. Y.L. Patil [(1976) 4 SCC 66]**, **Vijayabai and Others Vs. Shriram Tukaram and**

Paimal Kumar
25.10.18

