



राष्ट्र हित

विभाग हित

अधिकारी हित

All India Graduate Engineers & Telecom Officers Association

Central Headquarter, New Delhi

(The Recognised Representative Association of BSNL)

(Affiliated to BMS)



Regn. no. HR/019/2018/02138

President

G Veerabhadra Rao

9440648648

General Secretary

Ravi Shil Verma

8373967633

Finance Secretary

Badri Kumar Mehta

9868183579

All communication at E-mail - "chqaigetoa@gmail.com" only

GS/AIGETOA/ 2023-24/49

Dated 08.08.2023

To,

Shri Bijender Singh

Under Secretary (SNG)

R.No 419, Sanchar Bhawan

20, Ashoka Road, New Delhi-01

Email: bijender.s83@gov.in

Sub: Response to your letter to the CMD BSNL regarding issuing presidential orders to the employees , recruited and sent for training by DoT , prior to 01.10.2000 and who joined duty after formation of BSNL, requesting to treat them as DoT recruitees, based on the criterion laid down by the Department of Pension & Pensioners' Welfare – Reg

References:

1. Your letter to the CMD BSNL with reference number F-N 27-01/2022-SNG 898226/2023/Office of US(SNG) I /3113950/2023 dated 14.07.2023
2. BSNL CO letter to The DDG (Estt) No. 48-2/2023 Pen (B) dated 12.06.2023
3. AIGETOA's letter to CMD BSNL with reference number GS/AIGETOA/2022-23/44 dated 24.03.2023
4. DOT letter No. 19-14/2000-EW dated 8.8.2002

Dear Sir,

I am writing on behalf of the All India Graduate Engineers & Telecom Officers Association (AIGETOA) to address a matter of crucial importance that directly affects the livelihoods and future security of a dedicated segment of BSNL employees who underwent recruitment process which initiated before the formation of BSNL by DoT but joined duty after formation of BSNL. This situation has led to a considerable predicament concerning their employment status and pension rights.

Our association initially raised this concern through the letter cited under reference 3. Subsequently, BSNL forwarded our communication to the DOT, as indicated in the letter referred to under reference 2. In response to these correspondences, your office provided certain observations in your letter addressed to the CMD BSNL, which is outlined in the communication referred to under reference 1.

Regn. No. HR/019/2018/02138

Regd. Office : Flat No. 716, Studio Apartment, Omaxe Height, Sector-86, Faridabad, Haryana - 121006

However, it is crucial to note that the observations outlined in your letter **do not align with the historical precedence set by the Department of Telecommunications in similar cases, nor do they conform to the legal determinations rendered by various courts in relation to this issue. Additionally, your observations appear to be at odds with the criteria established by the Department of Pension & Pensioners' Welfare in matters of this nature.**

In light of the aforementioned considerations, we kindly request your reconsideration of the matter. To facilitate this, we have prepared a point-wise reply to the observations presented in your letter. This reply encapsulates our perspective and rationale, supported by existing regulations, legal judgments, and relevant precedents. We earnestly hope that you will take into account these crucial factors and reconsider your stance on this matter.

Your observations

(i) *That the policy/stand of DoT with regard to the status of all such employees is quite clear and has already been clarified vide this office letter no. 27-01/2001-SNG(Vol.III)/Chennai T.C(Pt.) dated 27.02.2020 read with corrigendum dated 23.02.2021, that "any employee who has been formally appointed by BSNL on or after 01.10.2000 and joined BSNL, is BSNL appointee." Therefore, issuance of Presidential Order or the applicability of CCS (Pension) Rules, 2021 do not arise for a BSNL appointee.*

(ii) *That Rules 37 of CCS(Pension) Rules, 2021 states that Pension is paid to combined service employees only, who were on the rolls of DoT before corporatization of DTS/DTO and were en-masse transferred to BSNL/MTNL and were absorbed therein as per the option exercised by them. Since employees referred in the representations had not rendered services in DoT, they were not entitled for absorption process and CCS (Pension) Rules 2021 are not applicable to them.*

Our reply to Point i & ii

Prior to the formation of BSNL, the DOT issued telecom circle-wise recruitment notifications for the direct recruitment of Junior Engineers (JE) Electrical. The recruitment examination was conducted by the DOT, and successful candidates were subsequently inducted into BSNL after formation of BSNL. They were ultimately appointed by BSNL and were granted pensionary benefits under CCS (Pension) Rules 1972, as per DOT letter No. 19-14/2000-EW dated 8.8.2002. Presidential orders also issued to these JE Electrical mentioning date of appointment and date of absorption as same.

The circumstances outlined above stand in stark contrast to the assertions made in your points i and ii. Same class of employees cannot be treated as differently. This discriminatory treatment constitutes a clear violation of their constitutional right of equality before the law.

The supporting documents regarding appointment JE Electrical in BSNL is enclosed for your ready reference.

Your observations

(iii) That DoPPW OM dated 03.03.2023 further circulated by Pension Section, DoT Hq. vide OM dated 07.04.2023 clearly states that the said OM is applicable to Central Government Civil Employees only. DoPPW OM is no *where* linked to BSNL employees.

Our reply to Point (iii)

While it is indeed true that the DoPPW OM dated 03.03.2023 is explicitly tailored for the realm of Central Government Civil Employees, a similar line of reasoning can be applied to a specific subset of BSNL employees who underwent recruitment process which initiated before the formation of BSNL by DoT but joined duty after formation of BSNL.

Incorporating analogous principles, various judicial verdicts within the subject domain firmly establish that the service conditions existing at the initiation of the recruitment process must not be subjected to unfavourable alterations against the recruits.

We deeply appreciate your attention to this matter and your commitment to the welfare of above said employees. We anticipate a just resolution that safeguards the rights and interests of the concerned employees.

Thank you for your time and consideration

Encl :

1. US (SNG), DoT letter to the CMD BSNL with reference number F-N 27-01/2022-SNG 898226/2023/Office of US(SNG) I /3113950/2023 dated 14.07.2023
2. BSNL CO letter to The DDG (Estt) No. 48-2/2023 Pen (B) dated 12.06.2023
3. DOT letter No. 19-14/2000-EW dated 8.8.2002

With warm regards,

Sd/-
Ravi Shil Verma
General Secretary

Copy To

1. Shri Apurva Chandra Ji, Secretary Department of Telecom for kind information please
2. Shri P K Purwar Ji, CMD BSNL for kind information and intervention please.
3. Shri Ajay Kumar Sahu Ji, Member (Services) for kind information please
4. Shri Arvind Vadnerkar Ji, Director (HR), BSNL Board, for kind information please
5. Ms. Roshni Sohni, DDG (Estt.), DoT for kind information please.
6. Shri Saurabh Tyagi Ji, PGM (Estt), BSNL CO for kind information please.

27-01/2022-SNG

2023/Office of US(SNG)

07/2023

F. No.27-01/2022-SNG
Government of India
Ministry of Communications
Department of Telecommunications
(SNG Section)

R.No.419, Sanchar Bhawan
20, Ashoka Road, New Delhi-01

Dated: 14.07.2023

To

The CMD
BSNL CO
Bharat Sanchar Bhawan
Janpath, New Delhi- 01

[Kind attn.: Shri Sanjeev Kumar, AGM(Estt.-I)]

Subject: Issuing of Presidential Orders to the employees, recruited and sent for training by the DoT, prior to 01.10.2000 and who joined duty after the formation of BSNL requesting to treat them as DoT recruitees, based on the criterion laid down by the Department of Pension & Pensioners' Welfare.

Sir

I am directed to refer to your office letter No. 48-2/2023-Pen(B) dated 12.06.2023 and letter dated BSNLEU/511(Rectt.) dated 12.05.2023 received from General Secy. BSNL employees Union on the above mentioned subject. On examination of the matter, the following observations have been made:

(i) That the policy/stand of DoT with regard to the status of all such employees is quite clear and has already been clarified vide this office letter no. 27-01/2001-SNG(Vol.III)/Chennai T.C(Pt.) dated 27.02.2020 read with corrigendum dated 23.02.2021, that "any employee who has been formally appointed by BSNL on or after 01.10.2000 and joined BSNL, is BSNL appointee." Therefore, issuance of Presidential Order or the applicability of CCS (Pension) Rules, 2021 do not arise for a BSNL appointee.

(ii) That Rules 37 of CCS(Pension) Rules, 2021 states that Pension is paid to combined service employees only, who were on the rolls of DoT before corporatization of DTS/DTO and were en-masse transferred to BSNL/MTNL and were absorbed therein as per the option exercised by them. Since employees referred in the representations had not rendered services in DoT, they were not entitled for the absorption process and CCS(Pension) Rules, 2021 are not applicable to them.

(iii) That DoPPW OM dated 03.03.2023 further circulated by Pension Section, DoT Hq. vide OM dated 07.04.2023 clearly states that the said OM is applicable to Central Government Civil Employees only. DoPPW OM is not where linked to BSNL employees.

2. In view of above, such representations of Unions/Associations' may be disposed of by BSNL at their end.

This issues with the approval of the Competent Authority.

Yours faithfully,

Signed by Bijender Singh

Date: 14-07-2023 12:49:22

Reason: Approved

(Bijender Singh)

Under Secretary to the Govt. of India.

Tele. No. 011-23036226.

Copy to:

US(STP), Pension Section, DoT Hq. w.r.t. Dy.No. 860/PenT/23 dated 16.06.2023 for information only.

49

Government of India
Department of Telecommunications
10th Floor, Janpath Chanderlok Building
36 Janpath, New Delhi-110001.

No. 19-14/2000-FW

Dated: 8.8.2002

To

The Chief General Manager
BSNL, Kerala Telecommunications
Trivandrum (Kerala)

Subject: **Civil Appeal Nos. 1985-86 of 2002 filed by UOI Vs Sunu Varghese & Others in the High Court of Kerala at Ernakulam – Judgement dated 07.03.2002.**

Reference : Your office letter No. ST III/13-3/2002 dated 7.6.02 and dated 5.7.02

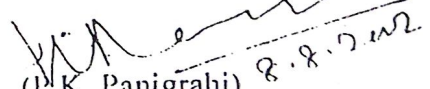
Sir,

Kindly refer to your letter on the subject cited above. It has been decided that selected candidates of 1999 Open Competitive Examination of Kerala Telecom Circle are to be appointed as Junior Engineer (Electrical) in the Deptt, of Telecom and thereafter shall be absorbed as JTO(Electrical) in BSNL. Superintending Engineer(Electrical) BSNL, Trivandrum shall issue the order of appointment of JE(Elect.) to the selected candidates and in the offer of appointment a para as under shall be inserted :

“Consequent upon the formation of Bharat Sanchar Nigam Limited (BSNL) out of Department of Telecommunications w.e.f. 1.10.2000, if you accept this offer of appointment, your services shall be placed with BSNL and you will have to work in the Corporation as an employee of BSNL, under redesignated post of JTO (Electrical)”

This has the approval of Director(IIRD) BSNL HQrs. and the Member (P) Telecom Commission New Delhi.

Yours faithfully,


(P.K. Panigrahi) 8.8.02

Dy. Director General(Electrical)

Copy to:

Sr. DDG(Electrical), BSNL, New Delhi.

Annexure - III

List of JE(E) recruited through the Open Competitive Examination during the period from 1.1.1999 to 31.12.2002

Name of JE(E) S/Shri/Smt	Date of appointment	Date of absorption in BSNL
Sajeev Kumar D.	18.9.2002	18.9.2002
Pramod Kumar V.	13.9.2002	13.9.2002
Sunil John	18.9.2002	18.9.2002
Pramodan T.	29.10.2002	29.10.2002
Vinu Kumar M.S.	22.10.2002	22.10.2002
Rajesh Kumar G.	13.9.2002	13.9.2002
Usha Gopinath T.	15.11.2002	15.11.2002
Anil Kumar G.	16.9.2002	16.9.2002
Praveen P.T.	04.10.2002	04.10.2002
Satheesh S.	25.9.2002	25.9.2002
Rajesh S.	25.9.2002	25.9.2002
Suresh T.V.	07.10.2002	07.10.2002
Honey V.S.	23.9.2002	23.9.2002
Sindhu C.	30.9.2002	30.9.2002
Shiyas A.	23.9.2002	23.9.2002
Ajayanath P.	12.9.2002	12.9.2002
Siji M.R.	25.9.2002	25.9.2002
Subhash Varghees	09.9.2002	09.9.2002
Biju Joseph	28.10.2002	28.10.2002
Shaju A.G.	27.9.2002	27.9.2002
Kishor B.	18.9.2002	18.9.2002
Anil Kumar K.	04.10.2002	04.10.2002
Rajeev K.	17.9.2002	17.9.2002
Vasim Raja S.J.	23.9.2002	23.9.2002
Krishnakumar T.R.	09.9.2002	09.9.2002
Jeeva Balakrishnan	24.9.2002	24.9.2002
Praveen M.K.	22.11.2002	22.11.2002
David Jenin P.L.	11.9.2002	11.9.2002
Jeena Kumari M.B.	27.9.2002	27.9.2002
Akilesh Chandran A.	27.9.2002	27.9.2002


07/01/09
(PRADEEP NETTUR)
CHIEF ENGINEER(E)
Phone : 0471-2459566

1

BSNL Corporate Office
Pension Section 5th floor,
Bharat Sanchar Bhawan
H.C. Mathur Lane,
New Delhi-110001



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

No. 48-2/2023-Pen. (B)

Dated: 12th June, 2023

To,

The DDG (Estt.)
DOT, Sanchar Bhawan
New Delhi.-110001

Sub: Issuing of Presidential Orders to the employees recruited and sent for training by the DOT, prior to 01.10.2000 and who joined duty after the formation of BSNL – requesting to treat them as DoT recruits, based on the criterion laid down by the Department of Pension and Pensioners Welfare.

- Ref:
1. BSNLEU Letter No. BSNLEU/511(Rectt.) Dt. 12.05.2023
 2. NFTE Letter No. TF-11/3@ Dt. 10.05.2023
 3. AIGETOA Nagercoil Telecom Distt. Letter No. DS/AIGETOA/2023/11 Dt. 24.03.2023
 4. SEWA Letter No. SEWA BSNL CHQ/2021-24 Dt. 16.03.2023
 5. SNEA Letter No. SNEA CHQ/ Corri/ CMD BSNL/ 2022-23 Dt. 16.03.2023
 6. AIGETOA CHQ New Delhi Letter No. GS/AIGETOA/2022-23/47 Dt. 29.03.2023

Sir,

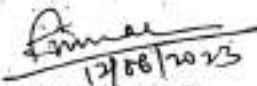
I am directed to refer to the letters noted under the reference above (Copy enclosed) and to say that various Unions / Associations, have brought up the issue of grant of Presidential Order for absorption thereby coverage under CCS (Pension) Rules, 1972 to all such employees of BSNL, who were recruited and sent for training by DOT prior to 01.10.2000 and who have joined duty after the formation of BSNL.

The above demand has emanated in the wake of DoP&PW OM No. 57/05/2021-P&PW(B) Dt.03.03.2023, whereby Central Civil Service (Pension) Rules-1972 has been extended in place of National Pension System to those Central Government employees who were recruited against the posts / vacancies advertised / notified for recruitment on or before 22.12.2003.

As the matter relates to benefits under CCS (Pension) Rules 1972, (Now 2021) the same is being forwarded for consideration please.

This issues with the approval of competent authority,

Yours faithfully,


12/06/2023
(Sanjeev Kumar)
AGM (Estt-I)

Enclose: As above

48-2/2023-Pen (B)

(BSNL/CO/A-12/(19)/2/2020/ESTAB)

Note Sheet (11)

Subject: Issuing of Presidential Orders to the employees recruited and sent for training by the DOT, prior to 01 10 2000 and who joined duty after the formation of BSNL – requesting to treat them as DoT recruitees, based on the criterion laid down by the Department of Pension and Pensioners Welfare

CMD Remarks. Forward to DOT for issue of clarification.

Letters received from various Unions / Associations regarding issue of Presidential order for absorption (thereby entitling them the benefits under CCS Pension Rule, 1972) to all such employees of BSNL who were recruited and sent for training by the DOT prior to 01 10 2000 and who may have joined duty after the formation of BSNL

This demand has emanated in the wake of letter of DoP&PW OM No. 57/05/2021-P&PW(B) Dt.03.03.2023, whereby Central Civil Service (Pension) Rules-1972 has been extended in place of National Pension System, of those Central Government employees who were recruited against the posts / vacancies advertised / notified for recruitment, on or before 22.12.2003.

Since the issue pertains to demand for government pension under CCS Pension Rules-1972, and lies beyond the preview of BSNL, the cases may be forwarded to DOT, as per the direction of CMD BSNL on the receipts.

Accordingly the draft letter forwarded to DOT, is submitted for approval please.

B.S.N.L. CO. NEW DELHI
O/o P.G.M. (Establishment)
Dy. No. 219-F
Date: 08-06-2023



AGM (Est-I)

As per direction, a draft letter to DoT is put up for forwarding the matter to DoT

202 (Pension)
Smita
11/6/23

11/6/2023
A 21/6/2023

12/06/2023
DGM (Est-I)
P. G. M. (Est-I)

by 08/6/23

Director (HR), BSNL Board

Phm (Est-I)

2/6

by 08/6

DGM (Est-I)

A
9/6/2023
AGM (Est-I)