



P. Abhimanyu
General Secretary

BSNL EMPLOYEES UNION

Central Head Quarters

Ph.: 011-25705385
Fax : 011-25894862

Main Recognised Representative Union,
Dada Ghosh Bhawan, 2151/1, New Patel Nagar,
Opp. Shadipur Bus Depot, New Delhi-110008
E-mail : bsnleuchq@gmail.com, Website : www.bsnleu.in

BSNLEU/511(Rectt.)

31.07.2023

To,

**Shri K. Rajaraman,
Secretary, Telecom,
Department of Telecommunications,
Ministry of Communications,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi - 110 001.**

Respected Sir,

Sub: - **Requesting to Implement the order of the Hon'ble Supreme Court regarding Issuing of Presidential Orders to the employees recruited by the DoT and sent for training prior to 01.10.2000, and who joined duty after formation of BSNL – req.**

Ref: - **BSNLEU letter no. BSNLEU/511(Rectt.) dated 15.02.2023.**

With reference to the letter cited above, we wish to bring the following to your kind notice, for favour of necessary action.

There are several officials working in BSNL, who were recruited on Compassionate Grounds by the DoT and were sent for pre-appointment training prior to the formation of BSNL, i.e., before 01.10.2000. However, before the completion of their training, BSNL was formed. Thus, they joined duty in BSNL. All these officials should have been treated as DoT recruitees, since they were recruited and sent for training by the DoT.

However, these officials are treated as BSNL recruitees, as a result of which their eligibility to government pension is jeopardised. The affected officials approached various courts. It is important to mention that, the Hon'ble CAT, Jaipur, Hon'ble CAT, Chandigarh, Hon'ble High Court of Rajasthan and Hon'ble High Court of Kerala have held that, these officials should be treated as DoT recruitees.

The judgements given by the various courts as mentioned above, speak volumes about the justification to treat these employees as DoT recruitees. However, instead of implementing those judgements, BSNL filed an SLP in the Hon'ble Supreme Court.

The SLP filed by Bharat Sanchar Nigam Limited was taken up for hearing by the Hon'ble Supreme Court on 26th July, 2023. After hearing the learned counsels for the parties, the Hon'ble Supreme Court was pleased to dismiss the civil appeals.

In view of the foregoing, BSNLEU, the Main Recognised Representative of the Non-Executive employees of BSNL, earnestly appeal to you to kindly implement the Hon'ble Supreme Court order in respect of all those employees recruited and sent for the training by the DoT, but whose appointment was made by the BSNL.

We earnestly urge upon you to kindly issue Presidential Orders to all such employees without delay and to make them entitled for payment of Government Pension under CCS (Pension) Rules 1972 (now 2021). We also earnestly request you to kindly enable them to migrate to the GPF system, from the EPF system under which they are presently covered with.

We earnestly appeal to the Department of Telecom to take prompt action for the immediate implementation of the Hon'ble Supreme Court order dated July 26, 2023 in the CIVIL APPEAL No.1971 OF 2012. It will not be out of context to mention here that, officials recruited and sent for training by the DoT, but who were treated as BSNL Recruits, have already been subjected to mental agony, since justice has been denied to them for many long years. Hence, early action on this matter by the DoT will be very much appreciated.

Thanking you,

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'P. Abhimanyu', with a long horizontal flourish extending to the right.

[P. Abhimanyu]
General Secretary

Encl: Copy of the order of the Hon'ble Supreme Court of India dated July 26, 2023, in the CIVIL APPEAL No.1971 OF 2012.

Copy to: (1) Shri P.K. Purwar, CMD BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi – 110001
(2) Shri Arvind Vadnerkar, Director (HR), BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi - 110001

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 1971 OF 2012

BHARAT SANCHAR NIGAM LIMITED & ANR.

Appellant(s)

VERSUS

RAJ KUMAR & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 1972 OF 2012

CIVIL APPEAL NO. 1973 OF 2012

O R D E R

After hearing learned counsel for the parties and considering the peculiar facts involved in these batch of cases, we are not inclined to interfere. The civil appeals stand dismissed.

However, the question of law is left open.

....., J.
[J.K. MAHESHWARI]

....., J.
[K.V. VISWANATHAN]

Signature Not Verified

Digitally signed by
Nikhil Arora
Date: 2023.07.28
17:26:37
Reason: []

New Delhi;
July 26, 2023.

ITEM NO.107

COURT NO.13

SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 1971/2012

BHARAT SANCHAR NIGAM LIMITED & ANR.

Appellant(s)

VERSUS

RAJ KUMAR & ORS.

Respondent(s)

WITH

C.A. No. 1972/2012 (IV)

C.A. No. 1973/2012 (IV)

Date : 26-07-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Appellant(s) Mr. Atul Yeshwant Chitale, Sr. Adv.
Ms. Tanvi Kakar, Adv.
Mr. Madhav Chitale, Adv.
Mr. Nirbhay Singh, Adv.
Mrs. Suchitra Atul Chitale, AOR

For Respondent(s) Dr. Sanjay Gupta, Adv.
Mr. Rajat Sharma, Adv.
Mr. Dinesh Verma, Adv.
Mr. Subhasish Bhowmick, Adv.
Dr. (Mrs.) Vipin Gupta, AOR

Mr. Subhasish Bhowmick, AOR

Mr. Vikramjit Banerji, ASG.
Mr. Rajan Kumar Chourasia, Adv.
Mr. Prashant Rawat, Adv.
Mr. Padmesh Mishra, Adv.
Ms. Akansha, Adv.
Mr. Arvind Kumar Sharma, AOR
Mr. G. S. Makker, Adv.

UPON hearing the counsel the court made the following
O R D E R

After hearing learned counsel for the parties and considering the peculiar facts involved in these batch of cases, we are not inclined to interfere. The civil appeals stand dismissed.

However, the question of law is left open.

(NIDHI AHUJA)

(VIRENDER SINGH)

AR-cum-PS

BRANCH OFFICER

[Signed order is placed on the file.]