



P. Abhimanyu
General Secretary

BSNL EMPLOYEES UNION

Central Head Quarters

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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

21.11.2024

BSNLEU/ 511 (Rectt.)

To,

Shri Jyotiraditya M. Scindia ji,
Hon'ble Minister for Communications,
Sanchar Bhawan,
20, Ashoka Road,
New Delhi - 110 001.

Sub: - **Request for Implementation of the Hon'ble Supreme Court of India's Judgment Dated 26-07-2023 for All Affected BSNL Employees - req.**

Ref: - **DoT letter no.03-35/ 2023- SNG dated 22-02-2024.**

Respected sir,

We wish to bring the following matter to your kind notice for the favor of necessary action.

We are deeply pained to inform you that the Department of Telecommunications (DoT) is refusing to implement the judgment of the Hon'ble Supreme Court of India dated 26-07-2023 concerning the issuance of Presidential Orders for BSNL employees who were recruited by the DoT before the formation of BSNL.

Background of the Case:

BSNL was formed on 01-10-2000. Employees recruited by BSNL after this date are considered BSNL recruits and are not entitled to government pension.

However, a section of employees recruited and sent for training by the DoT before BSNL's formation were appointed in BSNL upon completing their training. These employees assert that, since they were recruited by the DoT, they should be issued Presidential Orders to be eligible for government pensions. The DoT has consistently rejected this demand.

As a result, several affected employees approached various benches of the Hon'ble Central Administrative Tribunal (CAT), all of which delivered judgments in their favour, declaring them DoT recruits. When BSNL and the DoT challenged these judgments in the respective Hon'ble High Courts, the High Courts also ruled in favor of the employees. Subsequently, appeals by BSNL and the DoT were brought before the Hon'ble Supreme Court of India, which, on 26-07-2023, upheld the employees' claims and delivered a judgment in their favour.

Current Situation:

Despite these clear rulings by the Hon'ble CAT, High Courts, and ultimately the Hon'ble Supreme Court of India, the DoT, vide its letter cited under reference, issued order stating that the Supreme Court's judgment would be implemented only for the parties involved in the specific cases (SLPs/Civil Appeals). Consequently, similarly placed employees who did not approach the courts have been denied the benefits of this judgment.

This selective implementation of the Hon'ble Supreme Court's judgment is unfair and unjust to the other employees who are identically situated.

Our Request:

In light of the above, we earnestly seek your kind intervention in this matter to ensure that the Hon'ble Supreme Court of India's judgment dated 26-07-2023 is implemented uniformly for all BSNL employees who were recruited and sent for training by the DoT before BSNL's formation. Extending this benefit to all affected employees, irrespective of their involvement in the litigation, would be a significant step toward delivering justice.

We trust your kind consideration will bring a fair resolution to this issue.

Thanking you,

Yours sincerely,

[P. Abhimanyu]
General Secretary

Encl: Copy of the DoT letter, cited under reference.

No.03-35/2023-SNG
Government of India
Ministry of Communications
Department of Telecommunications
(SNG Section)

Sanchar Bhawan, 20, Ashoka Road
New Delhi-01, Dated: 22-02-2024

To

Shri P Abhimanyu
General Secretary (BSNL Employee Union)
CHQ, Dada Ghosh Bhawan, 2151/1 New Patel Nagar
Opp. Shadipur Bus Depot, New Delhi-01

Subject: Non-implementation of the Hon'ble Supreme Court Order on issuing Presidential Orders to the employees recruited by the DoT prior to 01.10.2000 - requesting for early implementation of the same - reg.

Sir

I am directed to refer to your office letter no. BSNLEU/511(Rectt.) dated 15.02.2024 on the above-mentioned subject and to enclose a letter dated 16.02.2024 addressed to BSNL.

This issues with the approval of the competent authority.

Encl: As above

Yours faithfully,

Signed by Harpreet Singh
Date: 22-02-2024 12:16:06

(Harpreet Singh)
Deputy Secretary to the Govt. of India

No.03-35/2023-SNG
Government of India
Ministry of Communications
Department of Telecommunications
(SNG Section)

Sanchar Bhawan, 20, Ashoka Road
New Delhi-01, Dated: 21.02.2024

To

The CMD
BSNL
Bharat Sanchar Bhawan
Janpath, New Delhi- 110 001.

Subject: Order dated 26.07.2023 passed by Hon'ble Supreme Court of India in Civil Appeals 1971/2012, 1972/2012 & 1973/2012 filed by BSNL & Ors. Vs. Raj Kumar & Ors., BSNL & Ors. Vs Subhash Chander and BSNL & ORs. Vs. Baljinder Singh & Ors. Respectively.

Sir,

I am directed to refer to your office letter no. BSNLCO-SR/13(12)/1/2021-SR dated 01.02.2024 on the above-mentioned subject and to say that the matter has been examined in consultation with Department of Legal Affairs (DoLA) regarding filing of Review Petition w.r.t. to Order dated 26.07.2023. DoLA has opined that it is not a fit case for filing Review.

2. In view of the above, the Competent Authority has decided to implement the Order dated 22.01.2010 of Hon'ble CAT Chandigarh only in respect of the parties in the three SLPs/Civil Appeals. It is therefore requested that the necessary action may be taken in immediately.

Yours faithfully,

Signed by Kulbhushan
Malhotra

Date: 16-02-2024 17:53:56

(Kulbhushan Malhotra)

Under Secretary to the Govt. of India

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
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 1971/2012

BHARAT SANCHAR NIGAM LIMITED & ANR.
VERSUS

Appellant(s)

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)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER

[Signed order is placed on the file.]

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

Digital Signature by
Nikhil Anand
Date: 2023.07.28
17:26:31 IST
Reason: []

New Delhi;
July 26, 2023.