

स्थापना अनुभाग

का. मुख्य महाप्रबंधक दूरसंचार

आं.प्र. दूरसंचार परिमंडल, तीसरा तल

बी.एस.एन.एल भवन, विजयवाडा-५२०००४

Establishment section

O/o Chief General Manager Telecom

A.P. Telecom Circle, 3rd Floor,

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भारत संचार निगम लिमिटेड

(भारत सरकार का उद्यम)

BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

Lr.No. APCO-11/21(12)/1/2023-ADMIN-APCO

dated at VJ the

30/07/2025

To

The Heads of BAs/Units, BSNL, Andhra Pradesh Telecom Circle

Sub: OAs filed by the TTAs (recruited against vacancies of 1999) appointed in BSNL seeking pensionary benefits under CCS (Pension) Rules, 1972 r/w OM dated 03.03.2023 issued by DOP&PW-reg.

Ref: Lr. No. BSNLCO-A/15(27)/4/2024-ESTAB dated 29/07/2025

Please find enclosed herewith CO ND letter above cited regarding guidelines for defending the OAs filed by the TTAs (recruited against vacancies of 1999) appointed in BSNL seeking pensionary benefits under CCS (Pension) Rules, 1972, for information and necessary action.

Enclosures: As above

जी. अनंत लक्ष्मी
30/7/2025.

उप मंडल अभियंता (आर&ई) Sub-Divisional Engineer (R&E)
का.मु.म.प्र.दूर.आं.प्र.दूरसंचारपरिमंडल O/o CGMT, A.P. Telecom Circle
विजयवाडा - ५२० ००४ Vijayawada - 520 004

Copy to:

1. PS to CGMT for kind information.
2. AGM (Legal), O/o CGMT, AP Circle, Vijayawada for information and N/A please.

Court Matter/Important

No. BSNLCO-A/15(27)/4/2024-ESTAB
To

Dated 29/07/2025

All Heads of Telecom Circles,
Bharat Sanchar Nigam Limited.

(Kind Attention: CGM WBTC)

Subject: OAs filed by the TTAs (recruited against vacancies of 1999) appointed in BSNL seeking pensionary benefits under CCS (Pension) Rules, 1972 r/w OM dated 03.03.2023 issued by DOP&PW-reg.

Sir,

I am directed to forward herewith a copy of DoT letter No. 03-34/2025-SNG dated 16.07.2025 on the subject cited above, wherein the following has been conveyed as guidance:

- a. A series of OAs, including Nos. 682/2025, 683/2025, 687/2025, 688/2025, 689/2025, 690/2025, 692/2025, 693/2025, 695/2025, 696/2025, 697/2025, etc., have been filed before the Hon'ble CAT, Kolkata Bench by TTAs (recruited against 1999 vacancies) appointed in BSNL, seeking pensionary benefits under CCS (Pension) Rules, 1972 read with OM dated 03.03.2023 issued by DOP&PW. The applicants in these OAs are employed in WB Circle, Kolkata.
 - b. As similar recruitment exercises were undertaken in different territorial circles/SSAs during the relevant period, the possibility of filing similar OAs by employees of the aforesaid category in other circles/districts cannot be ruled out.
 - c. In order to address the issue comprehensively, comments for defending the MAs/OAs, in accordance with the applicable law (Administrative Tribunals Act, 1985) and prevailing Government policies/rules, are enclosed for necessary action in consultation with WB Circle, BSNL.
2. In view of the above, it is advised that the enclosed comments may be appropriately utilized for defending the specific cases as mentioned above by the WB Circle. Further, if any such cases are filed by this category of employees in other Circles (including already filed matters), the same may be suitably defended on these lines in consultation with the WB circle.
3. This is issued with the approval of Competent Authority.

Yours faithfully,



(M Subha Krishnan)
Asstt. General Manager(Estt-III)

Encl : As above.

No.03-34/2025-SNG
Government of India
Ministry of Communications
Department of Telecommunications
(SNG Section)

1334-L
18/7/25

Sanchar Bhawan, 20, Ashoka Road
 New Delhi-01, Dated: 16-07-2025

To

CMD, BSNL
 Bharat Sanchar Bhawan
 Janpath, New Delhi-110001

-in mty. H. [Signature] GM (Legal) [Signature] 21/8/2025

Subject: OAs filed by the TTAs (recruited against vacancies of 1999) appointed in BSNL seeking pensionary benefits under CCS (Pension) Rules, 1972 r/w OM dated 03.03.2023 issued by DOP&PW-regarding

Sir,

I am directed to refer to the subject noted above and to say that various OAs including Nos. 682/2025, 683/2025, 687/2025, 688/2025, 689/2025, 690/2025, 692/2025, 693/2025, 695/2025, 696/2025, 697/2025 etc. have been filed before Ld. CAT, Kolkata Bench by the TTAs (recruited against vacancies of 1999) appointed in BSNL seeking pensionary benefits under CCS (Pension) Rules, 1972 r/w OM dated 03.03.2023 issued by DOP&PW. The applicants in afore-said OAs are employed in WB Circle, Kolkata.

2. Since similar exercise for recruitment has been carried out in different territorial circles/SSAs at relevant point of time, possibility of similar OAs by the afore-said category of employees working in other circles/districts etc may not be ruled out.

3. Considering the issue in holistic manner, comments for defending the MAs/OAs as per the applicable law (Administrative Tribunals Act, 1985) and policy/rules of the Government are enclosed herewith for taking necessary action in consultation with WB Circle of BSNL.

4. The afore-said comments may also be circulated to all territorial Circles for defending the cases filed by afore-said category of employees.

This issues with the approval of the Competent Authority.

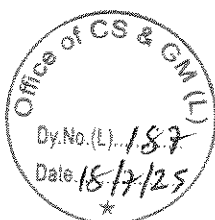
Encl: As above

Yours faithfully,

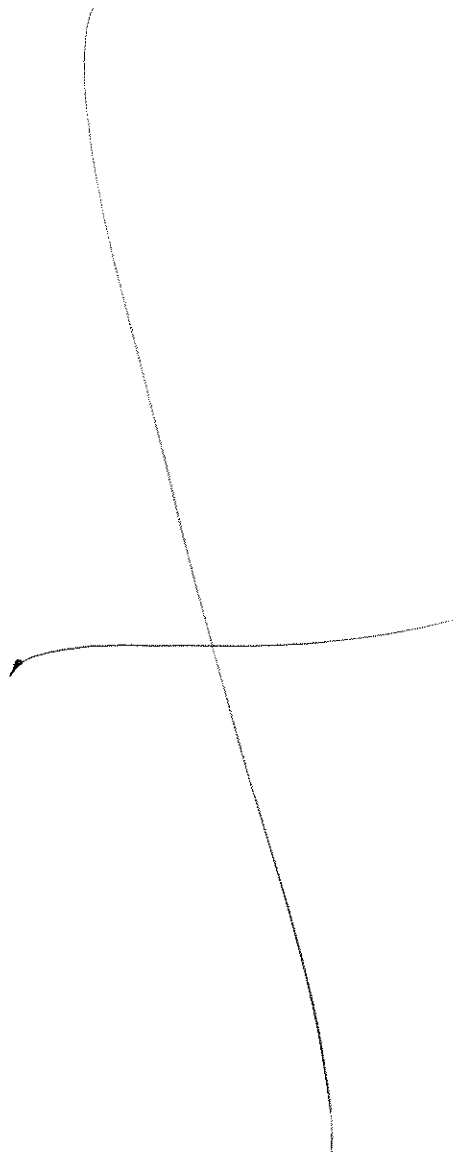
Digitally signed by
 Sunil Kumar
 Date: 16-07-2025

(Sunil Kumar)

Under Secretary to the Government of India
 Tele No. 011-23036226



CGM(WB), CGM(CTD), PLM(ESTT)



Annexure (Letter No. 03-34/2025-SNG Dated 16.07.2025)**Brief of the case:-**

The instant issue relates to pension/GPF claim of the TTAs, who were recruited against the vacancies of 1999 (DR quota) and got formal appointment in BSNL after completion of pre-appointment formalities. The aggrieved TTAs have claimed that they should be given option for permanent absorption in BSNL and consequently, their Presidential Orders for payment of pension under Rule 37A of CCS (Pension) Rules may be issued.

In support of their claims of the GPF/Pension, following assertions have been made by the applicants in the OAs:-

- (i) That permission for conducting TTA (DR quota) exam in all telecom Circles was given by the DoT vide letter dated 12.08.1999. Thereafter, advertisement was published in the employment news of 12-18 August, 2000. Subsequently, the exam was conducted on 6/7th January, 2001 by BSNL. Thereafter, they were formally appointed in BSNL after declaration of result, completion of pre-appointment training etc. By placing reliance upon OM dated 03.03.2023, the applicants have claimed that they should be extended the benefits of Pension under CCS (Pension) Rules, 1972, on the same analogy extended to the employees of Central Govt., who were appointed on or after 01.01.2004 for the vacancies notified before date of notification of NPS (Prior to 22.12.2003).
- (ii) That benefits of permanent absorption in BSNL were inter-alia given while issuing appointment orders in favour of JE (Electrical), Kerala Circle who appeared in open competitive exam held during 1998 and got appointment in BSNL during 2002. Reliance has been placed upon DoT's letter No. 19-14/2000-EW dated 08.08.2002, which had mentioned Civil Appeal No. 1985-86/2022 (UOI versus Sonu Verghese) decided by the Hon'ble Apex Court.
- (iii) That in case of CGA appointments made in BSNL, where death of DoT employee took place before formation of BSNL, benefits of GPF have been extended vide letter dated 16.01.2003 of BSNL. They have placed reliance upon some judicial orders, which had set aside the exercise of BSNL for conversion of GPF to EPF of the applicant (Compassionate Ground appointee) by placing reliance upon afore-said letter dated 16.01.2003.
- (iv) **Rules of game cannot be changed once game starts:-** The applicants by placing reliance upon the judgements of the Hon'ble Supreme Court of India in *Tej Prakash Pathak versus Raj*, High Court (*Civil Appeal No. 2634/2014 decided on 07.11.2024*) etc have asserted that appointments have to be strictly made in terms stipulated in the advertisement and therefore, they should be

governed by the Pension Rules, which were in force, when notification of recruitment was issued.

OBSERVATIONS/Comments of DOT

4. After going through the averments made by the applicants, it is observed that the claim of the applicants is devoid of any merit in view of the following reasons:-

(i) **Inordinate delay and latches:-** The applicants have admitted that the EPF Deductions have been made from their salary since their appointment. Besides that they were fully aware that matching contributions by the Employer-BSNL have been made including EPS (pension) under EPS, 1995. Had they been aggrieved by the EPF deduction/EPS contribution instead of GPF deduction, they ought to have filed the OA within limitation prescribed under Sec. 21 of the Administrative Tribunals Act, 1985. Since they were appointed in BSNL during 2004, the cause of action arose when they were appointed during 2004. Therefore the present OA suffers from inordinate delay and latches and is apparently hit by the limitation prescribed u/s 21 of the Act of 1985.

(ii) **Principle of Estoppel:-** The applicants after their subscription to EPF under EPF Act, 1952, which also required matching contributions from the Employer-BSNL for last 25 years along with Pension contribution under EPS 1995, may not be allowed to turn back as certain rights and liabilities of both employee and employer-BSNL have been settled in the meanwhile. After acceptance of appointment in BSNL, they may not assert that they may be treated as Govt. employee especially when the appointment was having prospective effect from the date of issuance of formal orders of appointment by BSNL. Therefore, claim for GPF instead of EPF is barred by principle of estoppel also and present petition(s) are liable to be dismissed at the threshold.

(iii) **Non applicability of DOP&PWs OM dated 03.03.2023 in instant issue and lack of cause of action-** The applicants have relied upon OM dated 03.03.2023, which has permitted the Government servants, who appeared in the examination, where notification was issued before notification of NPS (i.e. prior to 22.12.2003) and appointment was made on or after 01.01.2004. However, the afore-said OM is apparently not applicable to decide the instant lis in view of following reasons:-

(a) *OM dated 03.03.2023 has no nexus with permanent absorption of the Government servants in PSU upon corporatization of Govt. Department. The permanent absorption of the Government servants is made in accordance of Rule 37A of CCS (Pension) Rules, which was notified on 30.09.2000,*