



भारत संचार निगम लिमिटेड
BHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise/ भारत सरकार का उपक्रम)
मुख्यालय / CORPORATE OFFICE
5th Floor Establishment-III Section
Bharat Sanchar Bhawan, Janpath, New Delhi-110001

No. BSNLCO-A/15(19)/89/2025-ESTAB-Part(1)/01

Dated: 27/04/2026

To,

All Circle Heads,
Bharat Sanchar Nigam Limited.

Subject: Multiple litigations pending before CATs/High Courts concerning claims of CCS (Pension) Rules/GPF benefits by BSNL-recruited employees appointed after 01.10.2000 against pre-corporatisation DoT advertisements – reg.

Sir,

Kindly refer to this office letters dated 29.07.2025, 17.11.2025, 04.12.2025 and 12.01.2026 (enclosed) in connection with the subject cited above. It has already been apprised to your goodself that BSNL is facing a large volume of litigation across multiple Benches of the Central Administrative Tribunal (CAT) and several High Courts on a common question of law: whether employees recruited and appointed by BSNL after 01.10.2000 – pursuant to recruitment advertisements issued prior to corporatisation by the Department of Telecommunications (DoT) – are entitled to the benefits of CCS (Pension) Rules, 1972, General Provident Fund (GPF) and other pensionary/service benefits applicable to Central Government servants.

2. This office had sought the legal opinion of the Learned Additional Solicitor General (ASG) of India, Shri N. Venkataraman, on the following questions which have arisen in the context of litigations filed by BSNL-recruited employees (appointed after 01.10.2000) before various Benches of the Central Administrative Tribunal (CAT) and High Courts, claiming entitlement to CCS (Pension) Rules, 1972, General Provident Fund (GPF) and other pensionary/service benefits applicable to Government servants:

- Whether employees appointed in BSNL after 01.10.2000, pursuant to recruitment notifications issued prior to corporatisation by the Department of Telecommunications (DoT), can legally claim coverage under the CCS (Pension) Rules, 1972 including Rule 37A, GPF, and other pensionary/service benefits applicable to Government servants.
- Whether the adverse orders passed by certain CAT Benches (including CAT Chandigarh Bench order dated 08.08.2025 in Amreesh Sharma & Ors. v. Union of India) are legally sustainable.
- What should be the uniform and legally defensible litigation strategy for BSNL/DoT across all pending and future cases.
- Whether consolidation of matters at one authoritative forum is advisable.

3. The Ld. ASG has furnished a detailed opinion dated 03.04.2026(Annexure-A). The gist of the opinion is as under:

(A) Query 1 - Entitlement to CCS (Pension) Rules/GPF: The Ld. ASG has opined that BSNL-recruited employees have NO legally enforceable claim to CCS (Pension) Rules, 1972, GPF, or allied Government servant benefits. The key legal propositions affirmed are:

- OM dated 30.09.2000 applies only to existing DoT Government servants transferred en-masse at corporatisation and is wholly inapplicable to fresh BSNL recruits.
- OM dated 03.03.2023 (DoP&PW) is restricted to pre-existing Central Government civil employees. BSNL recruits do not satisfy this criterion. The Ld. ASG has concurred with DoT's views dated 16.07.2025 and 07.08.2025.
- Rule 37A, CCS (Pension) Rules, 1972 is operative only for Government servants transferred on departmental conversion to a PSU. BSNL recruits, never being Government servants, fall entirely outside its ambit.
- The judgment of the Hon'ble Supreme Court in Tej Prakash Pathak merely prohibits alteration of selection criteria mid-process. It confers no civil-servant status on PSU appointees. An advertisement does not vest any indefeasible right to appointment in the advertising organisation.
- Pension crystallises on the date of appointment, not the date of advertisement. This is supported by the Allahabad High Court in Manoj Kumar Singh (2020 SCC OnLine All 1132) and the Delhi High Court in Satya Dev Prajapati (2022 SCC OnLine Del 3911).
- Two decades of voluntary acceptance of BSNL (IDA) pay scales and EPF/EPS by the employees operates as an estoppel/acquiescence, barring them from reprobating their stand. Treating fresh BSNL recruits on par with DoT-absorbed employees would itself violate Article 14 of the Constitution.

(B) Query 2 - Sustainability of Adverse CAT Orders: Adverse CAT orders (including CAT Chandigarh dated 08.08.2025 in Amreesh Sharma's case) are not legally sustainable. BSNL must pursue appellate/writ remedies against all such adverse orders.

(C) Queries 3 & 4 - Litigation Strategy: Consolidation of all matters at one authoritative forum is recommended rather than pursuing piecemeal interim stays:

- For CAT-stage matters: Application to the Chairman, CAT under Section 25 of the Administrative Tribunals Act, 1985 for consolidation of all pending OAs before a single Bench.
- For HC-stage matters: Transfer Petition before the Hon'ble Supreme Court for consolidation before one High Court or before the Supreme Court itself.
- Simultaneously seek a direction from the Hon'ble Supreme Court restraining CAT Benches from proceeding in pending OAs until the consolidated matter is decided.
- Fresh interim stays at this stage may not be easily obtained. Focus must be on early final disposal at the consolidated forum.

4. The opinion has been discussed with the Legal Branch, BSNL CO and has been accepted by the competent authority as a reliable and authoritative articulation of BSNL's legal stand. In view of the foregoing, all BSNL Circles are hereby directed to strictly comply with and implement the following action points with immediate effect:

(A) Adoption of Uniform Legal Stance: All Circles shall treat the opinion of the Ld. ASG dated 03.04.2026 as the authoritative legal position of BSNL on the question of entitlement of post-01.10.2000 BSNL recruits to CCS (Pension) Rules, 1972, GPF and allied benefits. No Circle shall take a divergent or inconsistent position in any proceedings. A copy of the opinion of the Ld. ASG is enclosed herewith (Annexure-A) for ready reference.

(B) Uniform Pleadings - Key Legal Propositions to be Consistently Urged: In all pending and future matters before CAT Benches and High Courts, the following legal

propositions, as affirmed by the Ld. ASG shall be consistently and prominently urged by Circle counsels:

- Inapplicability of OM dated 30.09.2000 (restricted to DoT-transferred employees, not BSNL recruits).
- Inapplicability of OM dated 03.03.2023 (restricted to pre-existing Central Government civil employees).
- Inapplicability of Rule 37A, CCS (Pension) Rules, 1972 (requires prior Government servant status as a sine qua non).
- Correct interpretation of Tej Prakash Pathak (SC): prohibits change in selection criteria mid-process; does not confer civil servant status.
- Pension crystallises on date of appointment – Manoj Kumar Singh (Allahabad HC, 2020) and Satya Dev Prajapati (Delhi HC, 2022).
- Estoppel and acquiescence: employees accepted BSNL service conditions including IDA pay scales and EPF/EPS for over two decades.
- Article 14 supports differential treatment: DoT-absorbed employees and fresh BSNL recruits are constitutionally distinct classes.

This office has also separately forwarded a compilation of the points received from DoT vide letter dated 29.07.2025. Circles shall ensure that their engaged counsel are duly briefed with both documents.

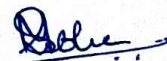
(C) **Immediate Filing of Writ Petitions/Appeals Against All Adverse CAT Orders:** All Circles where adverse CAT orders are pending are hereby directed to:

- Immediately file Writ Petitions or statutory appeals before the jurisdictional High Court against all adverse CAT orders, if not already filed.
- Simultaneously file applications for stay of operation of the adverse CAT orders, duly supported by and annexing the present opinion of the Ld. ASG.
- Any contempt petition/notice arising from non-compliance of adverse CAT orders must be immediately reported to this office along with the steps being taken.

(D) This office vide letter dated 17.11.2025 requested to provide details of similarly placed case. Details from many circles have already been received and is enclosed as Annexure-B. It is requested to update the status of given cases and add new cases, if any, and revert within a week of issuance of this letter. Compliance of the above directions may be treated as a matter of priority given the contempt risk and financial implications involved.

This is issued with the approval of Competent Authority.

Yours faithfully,



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

Encl : As above.