

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

Dated: 12/06/2026

To,

All Circle Heads,
Bharat Sanchar Nigam Limited.

Subject: Handling of cases relating to TTAs recruited against DoT-era advertisements and seeking DoT status and consequential benefits on the basis of DoP&PW O.M. dated 03.03.2023 – Competent authority for disposal of representations pursuant to Court/Tribunal directions – Reg.

Ref: This office letter No. BSNLCO-A/15(19)/72/2025-ESTAB dated 04.12.2025.

Sir,

It has been observed that in a number of cases filed before various Courts/Tribunals by Telecom Technical Assistants (TTAs)/officials recruited pursuant to recruitment advertisements issued during the Department of Telecommunications (DoT) period prior to formation of BSNL, directions are being issued for disposal of pending representations by way of reasoned and speaking orders within stipulated timelines.

2. In several such matters, the applicants are presently posted in Circles other than the recruiting Circle, or at BSNL Corporate Office, and have impleaded only the present posting Circle/BSNL Corporate Office as Respondents, without impleading the recruiting Circle. However, the grievances raised in such cases are intrinsically linked to the original recruitment process, selection records, appointment details, and related recruitment documents maintained by the recruiting Circle.

3. The matter has been examined in this office and it has been decided that, in cases relating to TTAs recruited pursuant to DoT-era advertisements and seeking conferment of DoT status and consequential benefits on the basis of DoP&PW O.M. dated 03.03.2023, the following position shall be followed uniformly by all Circles and field units in all such cases:

(i) Where a Court/Tribunal directs disposal of a representation by way of speaking order, and the grievance pertains to the recruitment process or recruitment-related claims, the recruiting Circle shall ordinarily be the nodal authority for examination of the representation on merits and preparation of the requisite factual inputs/ draft speaking order, based on the recruitment records available with it, irrespective of whether such Circle was arrayed as a Respondent in the proceedings.

(ii) Where the Corporate Office or present posting Circle has been directed to pass the speaking order, the matter shall immediately be referred to the recruiting Circle for examination on merits and preparation of the draft speaking order within the prescribed compliance period.

- (iii) The routing of such cases to the recruiting Circle shall be treated as an internal administrative arrangement for obtaining recruitment-related and factual inputs. The final speaking order (serving to applicant/ employee concerned) and compliance thereof shall remain the responsibility of the authority upon whom the judicial direction has been issued, unless the Court/Tribunal has specifically directed otherwise.
- (iv) In cases where the compliance timeline fixed by the Court/Tribunal is short and completion of inter-Circle consultation appears impracticable, appropriate affidavit/compliance action, including seeking extension of time, may be undertaken before the Court/Tribunal to avoid default.
- (v) The recruiting Circle shall refer to the model draft Speaking Order issued vide this office letter No. BSNLCO-A/15(19)/72/2025-ESTAB dated 04.12.2025, and prepare the speaking order accordingly, adapting it to the specific facts, recruitment records, and judicial directions applicable in the individual case.
- (vi) The above principles shall also be followed, as far as practicable, while examining representations or legal notices received from employees with similar recruitment-related claims, by the respective recruiting Circles.
4. All Circles are requested to take note of the above position and ensure its uniform application in all pending and future cases of this nature.

This is issued with the approval of Competent Authority.

Yours faithfully,



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

Encl : As above.

Establishment -III Section5th Floor, Bharat Sanchar Bhawan,

Janpath, New Delhi - 110 001

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Bharat Sanchar Nigam Limited
(A Govt. Of India Enterprises)
[Corporate Office]

No. BSNLCO-A/15(19)/72/2025-ESTAB

Dated : 04/12/2025

To,

All Circle Heads,
 Bharat Sanchar Nigam Limited,

Subject : Furnishing of a Model Draft Speaking Order for Disposal of Legal Notice/Representations from TTAs and Other non-Executive Employees Appointed Against Vacancies Advertised During the DoT Period (i.e., Prior to 01.10.2000), Seeking GPF and CCS (Pension) Benefits at Par with DoT-Absorbed Employees-reg.

Sir,

It has already been informed vide this office letter dated 19.09.2025 and 17.11.2025 that a number of cases have been filed by the erstwhile TTAs, Stenographers and other Non-Executives recruited against vacancies advertised by DoT but appointed in BSNL, seeking pensionary benefits under CCS (Pension) Rules, 1972 in view of OM dated 03.03.2023 issued by DoP&PW.

2. It is further observed that several similarly placed employees have submitted representations or sending Legal Notices seeking identical relief in various circles. In this context, it is intimated that the Hon'ble CAT, Ahmedabad, in a similar case has disposed of the OA (No. 276/2025) filed by the applicants vide order dated 04.07.2025, directing the respondents to examine and decide their representation in accordance with the extant rules and the applicants' service records, without expressing any opinion on the merits of the case. This office vide letter dt. 29.10.2025 has advised the Gujarat circle to dispose of the representations in that matter by way of speaking orders to each applicant and a model draft speaking order was also sent to the circle after vetting by the Legal Branch, BSNLCO.
3. In order to ensure uniformity and timely disposal of similar representations/Legal Notices across all Circles, the said Model Draft Speaking Order is enclosed for a reference point (*copy enclosed*). This Model Draft Speaking Order, formulated in consultation with the Legal Branch, BSNLCO, may enable the Circles to dispose of the pending representations/Legal Notices received by them in the matter in a consistent manner and may also facilitate the adoption of a uniform stand by BSNL.
4. The circles are advised to dispose of the representations by issuing individual speaking orders and in case of Legal Notice a suitable reply taking a cue from the model speaking order. The core legal reasoning, statutory references, and judicial precedents will remain identical in all orders, while the factual particulars pertaining to each representationist will be verified by the circle from the respective service records and incorporated in a standardized tabular format. The date(s), especially the date of advertisement/notification by the Circle, the date of conducting the examination,

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Corporate Identity Number (CIN):U74899DL2000GOI107739 www.bsnl.co.in

mentioned in the model order be substituted with the facts in the specific cases. If any additional relief has been sought in any individual representation, the same may also be suitably incorporated and addressed while issuing the respective individual speaking order. The 'Subject' and the 'Background' of the speaking order may be suitably modified indicating the due disposal of the representation or the Legal Notice under consideration.

This is issued with the approval of Competent Authority.

Yours faithfully,



(M. Subha Krishnan)

Asstt. General Manager(Estt-III)

Encl : As above.

Subject: Consideration of representation dated _____ submitted by Shri/Smt. _____ under directions contained in the order dated 04.07.2025 of the Hon'ble Central Administrative Tribunal, Ahmedabad Bench, in O.A. No. 276/2025 (*Kuldeep Alabhai Gadhave & Ors vs Union of India & Ors*) — req.

(1) The Hon'ble Central Administrative Tribunal, Ahmedabad Bench, vide order dated 04.07.2025, disposed of O.A. No. 276/2025 at the admission stage. The operative part of the order reads as under:

“Without going into the merit of the claim of the applicant(s) herein, we deem it appropriate to dispose of this OA at admission stage with direction upon the respondents that the representation of the applicant(s) shall be considered and decided in accordance with the extant rules, policy in vogue and service record of the applicant(s) within 90 days from the date of receipt of the certified copy of this order and any decision thereon be intimated to the applicant(s) through permissible mode. It is made clear that we have not expressed any opinion on the claim of the applicant(s).”

(2) In compliance with the above judicial direction, the undersigned, being the competent authority, has examined the representation dated _____ submitted by Shri/Smt. _____ in the light of the extant rules, policy in vogue, and the applicant's service record. The present order is accordingly a **reasoned and speaking order** issued in due compliance with the directions of the Hon'ble Tribunal.

In order to appreciate and examine the issue comprehensively and to consider and decide the representation of Shri/Smt. _____ dated _____, the following background facts are noted:-

(a) The Government of India approved restructuring of the Department of Telecommunications (DoT) on 15.10.1999 and created the Department of Telecom Services (DTS) vide O.M. No. 19-1/99-O&M dated 04.11.1999. Annexure-II to the said O.M. provided that DTS was responsible for:

“2. All matters other than policy and licensing relating to services of telephones, wireless, data, facsimile and telematic and other like forms of communications...

4. All matters relating to personnel under the control of the Department of Telecom Services.”

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- absorbed DoT employees governed by the CCS (Pension) Rules, 1972.
- v. Whether the applicant acquired a vested right or legitimate expectation to be treated as a Central Government employee on the basis of the advertisement and Recruitment Rules of 1998 issued by DoT, and whether such right could be altered by the corporatisation of telecom services and subsequent recruitment by BSNL.
 - vi. Whether long and continuous acceptance of the EPF/EPS framework without protest bars the applicant's claim on grounds of delay, acquiescence, and estoppel, or whether the alleged loss of pensionary benefits constitutes a continuing cause of action.
 - vii. Whether a claim of parity can be sustained by invoking Article 14 of the Constitution of India for seeking enforcement of an illegality or irregular benefit extended to others in different factual circumstances.
 - viii. Whether, in light of the facts and applicable rules, the applicant is entitled to be declared a Central Government employee with pensionary and service benefits under the CCS (Pension) Rules, 1972 and GPF Rules, 1960, or whether his terms and benefits are governed exclusively by BSNL service conditions including the EPF/EPS framework.

VI. Examination and Findings (Issue-wise)

Issue No. (i): Whether the DoP&PW O.M. dated 03.03.2023, relating to recruitment initiated before 22.12.2003 but finalized thereafter, applies to employees of BSNL appointed after corporatisation.

Finding / Analysis / Reasoning:

(a) The DoP&PW O.M. dated 03.03.2023 does not apply to recruits appointed by BSNL, a Public Sector Undertaking. The applicant's analogy with the Old Pension Scheme applicable to Central Government servants prior to 01.01.2004 is misconceived and inapplicable to his case. The CCS (Pension) Rules, 1972 apply only to Government servants holding pensionable posts in a Government department.

(b) The said O.M. is applicable only when both the notification/advertisement and the formal appointment are within Government service. In the applicant's case, the formal appointment was not made in the Central Government but in a PSU, which is not governed by the CCS (Pension) Rules, 1972.

(c) The applicant was never borne on the rolls of DoT as on 30.09.2000 and was appointed directly under BSNL thereafter. Consequently, he cannot claim pensionary benefits under the said Rules.

(e) The O.M. applies solely to Central Government servants whose recruitment process commenced prior to 22.12.2003 but whose appointments were delayed beyond 01.01.2004 for administrative reasons. BSNL employees, being part of a separate legal entity incorporated under the Companies Act, 1956, are outside its scope.

(f) This position stands categorically clarified by the Department of Telecommunications vide communications dated 16.07.2025 and 07.08.2025 (copies enclosed).

Issue No. (ii): Whether the recruitment process for the post of Telecom Technical Assistant (TTA), advertised in August 2000 under the name of DoT, can be construed as recruitment under DoT.

Finding / Analysis / Reasoning:

(a) Though the advertisement for recruitment of TTAs was issued in August 2000 in the name of DoT (CGMT Gujarat Circle), by that time DTS had already been created vide O.M. No. 19-1/99-O&M dated 04.11.1999, which categorically transferred to DTS all functions relating to operations, personnel, and service matters.

(b) Subsequently, vide Notification No. 1/22/1/2000-Cab. dated 17.07.2000 and O.M. No. 19-2/2000-O&M dated 03.08.2000, the DTO was carved out to manage all operational and personnel matters pertaining to telecom services. Both DTS and DTO were declared temporary operational departments pending corporatisation.

(c) Thus, by the date of the advertisement (29.08.2000), DoT had already ceased to exercise administrative or personnel control over field units such as telecom circles and SSAs. The TTA posts were operational field posts under DTS/DTO and not under DoT.

(d) The Government of India, vide O.M. No. 2-29/2000-Restg. dated 30.09.2000, thereafter notified the transfer of telecom services from DTS/DTO to BSNL w.e.f. 01.10.2000. Para 4(i) of the said O.M. stipulated that *“the entire establishment sanctioned for telecom circles and units shall stand transferred to BSNL along with their posts on existing terms and conditions.”*

(e) The written examination, declaration of results, training, and final appointment of the applicant were conducted after 01.10.2000 under BSNL's administrative and financial control.

(g) Accordingly, the applicant was never an employee of DoT; his appointment was ab initio under BSNL, which alone became the competent employer for operational cadres after 01.10.2000.

Issue No. (iii): Whether the applicant, appointed in BSNL after 01.10.2000, is entitled to pensionary benefits under the CCS (Pension) Rules, 1972, and whether Rule 37-A of those Rules, which provides for deemed absorption and pensionary protection to employees of DoT transferred to BSNL as on 01.10.2000, applies to persons recruited thereafter pursuant to an advertisement issued earlier.

Finding / Analysis / Reasoning:

(a) Rule 37-A of the CCS (Pension) Rules, 1972, inserted vide Notification No. 4/1/2000-P&PW(D) dated 30.09.2000, regulates pensionary benefits of Government servants transferred on deemed deputation from DoT/DTS/DTO to BSNL as on 01.10.2000.

(b) The Rule applies only to those employees who were on the strength of the Government of India and were transferred to BSNL upon its formation, thereby becoming absorbed employees entitled to pension under the CCS (Pension) Rules, 1972.

(c) The applicant was not in service of DoT/DTS/DTO as on 30.09.2000 and was not borne on their rolls. Only the recruitment notification had been issued prior to 01.10.2000; no examination, selection, or appointment had taken place by that date.

(d) The written examination was conducted on 02-03 December 2000, and the applicant was appointed thereafter under BSNL's administrative and financial control.

(e) Therefore, the applicant was never a Government servant and cannot be deemed to have been transferred or absorbed under Rule 37-A.

(f) The O.M. No. 2-29/2000-Restg. dated 30.09.2000 explicitly covered only those employees already holding sanctioned posts as on 30.09.2000. The applicant did not fall within that category and is outside the purview of transfer and absorption under Rule 37-A.

(g) The applicant's service conditions and pension liability are governed by BSNI's corporate framework, including coverage under EPF/EPS as approved by the Government.

(h) It is settled law that no right to Government pension arises without Government service; a candidate acquires such right only upon

BSNL and brought under the EPF scheme. The present claim, raised after over two decades, is barred by delay and laches.

(b) Under Section 21 of the Administrative Tribunals Act, 1985, an application must be filed within one year of the impugned action, extendable by six months for sufficient cause. The applicant has shown none.

(c) The plea of “continuing cause of action” is misplaced. Once the applicant accepted BSNL service conditions, the act became complete and final. (*Union of India v. Tarsem Singh*, (2008) 8 SCC 648.)

(d) A continuing wrong must be a recurring wrong; a single completed act, even if its consequences endure, does not constitute one. (*State of Uttaranchal v. Shiv Charan Singh Bhandari*, (2013) 12 SCC 179.)

(e) Reopening such stale claims would disturb settled service structures and impose undue liability on BSNL and the Government.

(f) The applicant, having accepted BSNL employment and its EPF/EPS framework without protest, is estopped by conduct from asserting a contrary position.

(g) Hence, the claim is barred by limitation, delay, laches, and estoppel.

Issue No. (vii): Whether a claim of parity can be sustained by invoking Article 14 of the Constitution of India for seeking enforcement of an illegality or irregular benefit extended to others in different factual circumstances.

Finding / Analysis / Reasoning:

(a) The applicant relies on BSNL letter dated 16.01.2003 regarding opening of GPF accounts for wards of deceased DoT employees upon their appointment in BSNL. The said letter was withdrawn by BSNL vide letters dated 10.05.2007 and 25.05.2007 for want of legal authority. The GPF (CS) Rules, 1960, framed under Article 309 of the Constitution, apply only to Government servants and not to PSU employees.

(b) The precedents cited by the applicant pertain to different factual contexts, such as absorption of JE (Electrical) in Kerala Circle, where appointments were delayed by litigation but pertained to candidates who would otherwise have been appointed before corporatisation. Those facts are distinguishable.

(c) Article 14 enshrines a positive concept of equality and cannot be invoked in a negative manner to perpetuate or replicate an illegality. (*State of Bihar v. Kameshwar Prasad Singh*, (2000) 9 SCC 94; *Union of India v. International Trading Co.*, (2003) 5 SCC 437.)

Accordingly, no claim for negative equality is maintainable.

(a) In view of the facts and legal position discussed above, the applicant is not entitled to be declared a Central Government employee. His appointment was made by BSNL after 01.10.2000 and is governed exclusively by BSNL's policies.

(b) Since appointment, the applicant has drawn salary from BSNL, accepted promotions under BSNL rules, and contributed to EPF/EPS. His employment relationship is solely with BSNL.

(c) The demand for extension of benefits applicable to absorbed DoT employees is legally unsustainable, as the applicant was never a Government servant and does not fall within Rule 37-A.

(d) No right to Central Government pay scales or pension arises merely because the advertisement pre-dated corporatisation; such rights accrue only upon appointment.

(e) Granting the relief sought would contravene the corporatisation policy approved by the Government and create an untenable dual regime within BSNL.

(f) Accordingly, the claim for Central Government status and benefits is devoid of merit and stands rejected.

After detailed and careful examination of the representation dated _____ of Shri/Smt. _____, and having due regard to the extant rules, policies, service records and judicial precedents, it is conclusively established that:

- a. The DoP&PW O.M. dated 03.03.2023 has no applicability to PSU appointments and the applicant being an appointee of BSNL, it does not apply to him/her.
- b. The recruitment, examination, training, and appointment of the applicant were undertaken entirely by BSNL after 01.10.2000.
- c. The applicant has never been borne on the rolls of DoT/DTS/DTO and, therefore, was never a Government servant.
- d. Rule 37-A of the CCS (Pension) Rules, 1972 applies only to

In view of the foregoing presentation of facts, analysis, reasoning and conclusions, the representation dated _____ submitted by Shri/Smt. _____ is hereby **rejected** for the reasons stated hereinabove.

This order is issued as a reasoned and speaking order in strict compliance with the directions of the Hon'ble Central Administrative Tribunal, Ahmedabad Bench, contained in its order dated 04.07.2025 in O.A. No. 276/2025 (Kuldeep Alabhavi & Ors v. Union of India & Ors).

Date: October, 2025

Place:

(Authorized Signatory)

Designation: _____
O/o. CMGT: _____

To

Shri/Smt. _____

-----, ,

Encls : (1) ...

(2) ...

(3)