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No. AIBSNLEA/CHQ/CMD/2025/10

Dated 28.04.2025

To

Shri. A. Robert Jerard Ravi Ji,
The CMD BSNL, Bharat Sanchar Bhavan,
Harish Chandra Mathur Lane,
Janpath, New Delhi-110 001.

Subject: Consideration for Grant of CCS Pension (Old Pension Scheme) to TTAs Appointed in BSNL, whose recruitment initiated by DoT/DTS advertisement issued before 01.10.2000 – As one time option given to Central and state employees.

Ref: 1. DOP & PW OM No. 57/05/2021-P&W (B) Dated 03.03.2023
2. AIBSNLEA/CHQ/DIR(HR)/2023 Dated 21.07.2023
3. AIBSNLEA/Gujarat Circle/2022-23/CCS/P dated 22.03.2023

Respected Sir,

We, would like to draw your kind attention regarding the long-pending issue of granting CCS Pension (Old Pension Scheme) to Telecom Technical Assistants (TTAs) recruited based on the DoT recruitment notification issued before 1st October-2000 i.e. before formation of BSNL.

Background and Key Points of Concern:

1. Recruitment Notification by DoT:

- The Department of Telecommunications issued a recruitment notification in year 2000 for the post of TTA in various telecom circles. Thus recruitment initiated by government department before formation of BSNL.
- The recruitment was conducted under the TTA Recruitment Rules, 1998 (amended in 1999), which explicitly ensured service conditions, including coverage under the CCS Pension Rules, 1972 (Old Pension Scheme - OPS).

2. EPF pension applied due to Date of Joining After BSNL's Formation:

- Although the recruitment was initiated by the Government department, appointments were finalized after BSNL's formation on 01.10.2000.
- Consequently, these TTAs were placed under the EPF pension scheme, instead of being extended CCS Pension scheme benefits, solely because their joining occurred after BSNL's formation.

- This action is unfair, arbitrary and ignores the foundational rule established by Apex court that “rules of the game cannot be changed once games starts.”
 - Since the recruitment of TTAs was initiated under DoT TTA recruitment rules 1998 guaranteeing OPS, their subsequent appointment in BSNL should not deprive them of the promised pension benefits.
- 3. DoP&PW OM Dated 03.03.2023 and Other similar G.R. by State Governments– OPS Eligibility Criteria revised based on Notification Date instead Joining Date:**
- The Department of Pension & Pensioners’ Welfare (DoP&PW) issued an Office Memorandum (OM) on 03.03.2023, stating that employees recruited against vacancies advertised or notified before 22.12.2003 (NPS Notification date) are eligible for OPS, revoking initial criteria set on basis of date of joining.
 - **This OM was issued to correct past anomalies, and it reinforces “notification/advertisement date” as the criterion for OPS/CCS pension eligibility replacing the initially determined criteria – “Joining date”.**
 - Inspired by this progressive stance of central government and following consistent judicial pronouncements, **Several State Governments, including Maharashtra (vide GR dated 02.02.2024), have adopted this principle for their own state civil services employees having “Notification date before states’s own cutoff date 01.11.2005”** and permitted one time option to switch to CCS/OPS scheme. (GR of MH Govt. is attached for reference)
 - Thus similar situated employees in Central Government, Autonomous body and state government were considered for OPS based on notification date prior to respective cutoff date and allowed to opt for OPS/CCS Pension as one time option.
 - The OM dated 03.03.2023 may kindly be interpreted not solely in its literal or line-by-line reading but by giving due regard to spirit and intent it embodies.
 - In light of above, The PSU employees like these TTA’s (Now JE/JTO/SDE/AO’s) should not denied their rightful old pension benefits. Criteria for CCS Pension should be revised suitably by making policy decision at appropriate level, that is in line with criteria set by the said OM dated 03.03.2023, reflating various courts/ tribunal judgment encapsulated under dictum **“Rules of game cannot change, once recruitment commenced.”**
- 4. Judicial Precedents Favoring OPS for Similarly Placed Employees.**
- *Supreme Court Judgment (Civil Appeal 1971/2012 – BSNL vs. Rajkumar & Ors.):* Allowed OPS benefits to BSNL employees appointed on compassionate grounds after 01.10.2000.
 - *Lucknow CAT Judgment (TA NO.332/00002/2016 – Pradeep Kumar & Ors. vs. UoI & Ors.):* Ordered Stenographers appointed in BSNL in Ocober.2002 under a 1998 DoT notification to be treated at par with DoT-absorbed employees and granted OPS.

- *Delhi High Court (Pawan Kumar & Anr. vs. Uoi & Ors., 2023)*: Held that recruitment advertisements must be strictly adhered to, and pension rules cannot be changed retrospectively.

5. Precedents of BSNL Employees Who Have Been Granted OPS Despite Joining After 01.10.2000

- BSNL employees appointed on compassionate grounds after 01.10.2000 in BSNL, whose parent died in harness up to 30.09.2000 have been granted OPS.
- Similarly casual labours who were not on payroll of DoT and regularized in BSNL on or after 01.10.2000 were also considered for OPS and not under EPF Pension.
- JEs (Electrical) appointed in Kerala Circle in 2002 whose recruitment initiated in 1999 by DoT were permitted for benefit under OPS (CCS Pension) despite their joining after formation of BSNL.
- The recent Lucknow CAT ruling for stenographers recruited under DoT Notification before BSNL's formation and joined at BSNL during October 2002 highlights the parity that must be maintained for all such cases.

Considering the above facts, The denial of OPS to TTAs recruited under a DoT notification is a clear violation of principles of fairness, equality, natural justice, and established legal precedents.

The central and state governments had already taken steps to rectify similar pension anomalies in NPS/OPS cases, and it is only just and equitable that the same relief be extended to TTAs of BSNL.


Given the above factual and legal positions, we request the following:

1. Extend CCS Pension (OPS) to these TTAs recruited under the DoT's 2000 notification based on TTA RR-1998 in line with their recruitment terms and conditions. And thus treat the TTA's at par with DoT employees transferred to BSNL, rather than as BSNL recruits, ensuring their eligibility for CCS Pension.
2. We respectfully request to **issue suitable amendment in existing pension-related policies to align with the principles laid down in the 03.03.2023 DoP&PW OM** and outcome of court cases by initiating necessary policy-level deliberations, in consultation with the appropriate departments such as DOT, DoPT, DoP&PW or at ministry level, to review similar cases of central/states employees recruited through government notifications before cutoff date and ensure a positive and equitable resolution for these PSU employees
3. Thus, **ensuring that these TTA's-PSU employees (Now JE's/JTO's/AO's etc.) should be given one time option to switch to CCS Pension (OPS)**, who recruited through government notifications before 01.10.2000 (BSNL –PSU commencement) regardless of their date of joining and regardless of their current pension scheme NPS or EPS etc. – Similar as given to employees of Central/state/Autonomous body employees.

We urge you to kindly examine this matter expeditiously and take the necessary corrective measures to ensure that this limited group of employees receives their rightful CCS pension benefits, in line with the principles established in the OM dated 03.03.2023 and relevant court judgments.

We look forward to your positive consideration and a speedy resolution of this matter.

With Kind regards,



**General Secretary
AIBSNLEA**

Copy for information and necessary action to.

- 1.Shri (Dr) Kalyan Sagar Nippani ji , the DIR (HR) , BSNL Board , BSNL CO , New Delhi.**
- 2.Shri Rajeev Kumar Kaushik , PGM (Pers), BSNL CO , New Delhi.**
- 3.Ms. Anita Johari, PGM (SR), BSNL CO , New Delhi.**