

# JOINT FORUM OF NON-EXECUTIVE UNIONS AND ASSOCIATIONS OF BSNL

JF/2023/12

Date: 19.05.2023

To,

Shri K. Rajaraman,  
Secretary, Telecom,  
Department of Telecommunications,  
Ministry of Communications,  
Sanchar Bhawan, 20, Ashoka Road,  
New Delhi - 110 001.

Sir,

Sub: - **Issuing of Presidential Orders to the employees recruited by the DoT and sent for training prior to 01.10.2000 and who joined duty after the formation of BSNL – requesting to treat them as DoT recruitees, based on the order of the Hon'ble Kerala and Rajasthan High Courts – req.**

We wish to bring the following burning issue to your kind notice, for favour of an early settlement.

There are several officials working in BSNL, who were recruited on Compassionate Grounds by the DoT and were sent for pre-appointment training prior to the formation of BSNL, i.e., before 01.10.2000. However, before the completion of their training, BSNL was formed. Thus, they joined duty in BSNL. All these officials should have been treated as DoT recruitees, since they were recruited and sent for training by the DoT.

However, these officials are treated as BSNL recruitees, as a result of which their eligibility to government pension is jeopardised. The affected officials approached various courts. It is important to mention that, the Hon'ble CAT, Jaipur, Hon'ble CAT, Chandigarh, Hon'ble High Court of Rajasthan and Hon'ble High Court of Kerala have held that these officials should be treated as DoT recruitees.

The Hon'ble Kerala High Court has observed as follows in it's judgement.

***"...17. We do not hence find any reason for Union of India to take a view, in the case of the petitioners who were recruited and dispatched for induction training, from being considered differently from those positioned identically when there was a change effected in the pension rules with effect from 01.01.2004; as revealed from the O.M relied on by the Jaipur Bench of the Administrative Tribunal."***

The judgements given by the various courts as mentioned above, speak volumes about the justification to treat these employees as DoT recruitees. However, instead of implementing the judgement, BSNL has filed an appeal in the Hon'ble Supreme Court, obviously at the behest of the DoT.

The case filed in the Hon'ble Supreme Court is lingering on for a very long time, without attaining it's finality. As a result, the affected employees are greatly disappointed that, their grievance is not settled even after judgements delivered in their favour by two Hon'ble High Courts. The issue is already discussed a number of times with the BSNL Management. However, no solution has come.

In view of the foregoing, we earnestly appeal to you to kindly get the matter examined and to take early action for issuing Presidential Orders to the above mentioned category of employees.

Thanking you,  
Yours sincerely,



Chandeshwar Singh  
Chairman



P. Abhimanyu  
Convenor