

BSNL EMPLOYEES UNION

Recognised Union in BSNL

(Registered Under Indian Trade Union Act 1926. Regn.No.4896)

CHQ:Dada Ghosh Bhawan, Opp. Shadipur Bus Depot., New Delhi – 110008

Email: bsnleuchq@gmail.com, website: bsnleu.in

P. Abhimanyu
General Secretary

Phone: (O) 011-25705385

Fax : 011- 25894862

BSNLEU/511(Rectt.)

03.12.2019

To,

Shri Debatosh Manna,
Member (Services),
Telecom Commission,
Sanchar Bhawan, 20, Ashoka Road
New Delhi – 110 001

Sir,

Sub: - **Employees recruited by the DoT prior to 01.10.2000 and who joined duty after the formation of BSNL –requesting to treat them as DoT recruitees absorbed in BSNL, based on the order of the Hon'ble Kerala High Court – req.**

Ref: - **Order of the Hon'ble Kerala High Court, OP (CAT) No.63 of 2017 (Z) dated 13.11.2019.**

We would like to bring the following case to your kind notice, for favour of an early settlement.

There are several officials working in BSNL, who are appointed on Compassionate Grounds prior to the formation of BSNL. They were recruited by the DoT prior to the formation of BSNL, before 01.10.2000, and were sent for pre-appointment training. However, before they joined duty on completion of training, the formation of BSNL took place. Hence, on completion of their training, they joined duty in BSNL.

All these officials were issued with Presidential Orders in 2001. They were also brought under the GPF scheme and monthly GPF contribution was also deducted from their salary. However, subsequently, DoT issued a revised order, stating that the officials appointed under Compassionate Grounds, whose training commenced prior to 01.10.2000 and who joined duty in BSNL after 01.10.2000, should not be treated as DoT recruitees. Hence, the Presidential Orders issued to them were cancelled. These officials were also taken out of the GPF scheme and were brought under EPF scheme.

These officials claim that since they were recruited by the DoT and were sent for training also by the DoT, they should be treated as DoT employees absorbed in BSNL. They also claim that they should not be treated as BSNL recruitees, simply due to the reason that they joined duty on completion of training, after the formation of BSNL.

These officials approached the Hon'ble CAT and the Hon'ble High Court of Kerala at Ernakulam. The Hon'ble High Court of Kerala at Ernakulam, in it's judgement dated 13th November, 2019 in OP (CAT).No.63 of 2017 (Z) has categorically declared that, the petitioners are servants of Union of India under the DoT, who on creation of BSNL, were transferred and permanently absorbed there under Rule 37-A, with all the protections available there under. The following are the observations made by the Hon'ble Kerala High Court:-

"...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.

18. On the factual background and the legal reasoning as above we find it difficult to sustain the order of the Tribunal and set it aside declaring the petitioners to be Government Servants as employed under the DoT, who were transferred and later absorbed in the BSNL. The petitioners have lost their status of government servants only when their options for retention in.....

.....The Original Petition (CAT) is allowed and so is the OA, declaring the petitioners, servants of Union of India under the DoT, who on creation of BSNL, were transferred and permanently absorbed there under Rule 37-A, with all the protections available there under. We leave the parties to suffer their respective costs....”

In view of the judgement delivered by the Hon'ble Kerala High Court, it becomes very evident that the above mentioned officials whose recruitment was made by the DoT prior to 01.10.2000, and who joined duty in BSNL after 01.10.2000, are only DoT recruits and should not be treated as BSNL recruits.

In view of the following, we earnestly request you to kindly bestow your personal attention to this case and to kindly implement the judgement of the Hon'ble Kerala High Court, by issuing Presidential Orders to all such employees as mentioned above, and also to bring them back into the GPF scheme.

Thanking you,

Yours sincerely,



[P. Abhimanyu]
General Secretary

Encl: *Copy of the judgement of Hon'ble High Court Kerala.*