

No. 27-1/2001-SNG (Vol.III)/ Chennai T.C (Pt.)
Government of India
Ministry of Communications
Department of Telecommunications
(SNG Section)

Room No. 419, Sanchar Bhawan,
20, Ashoka Road, New Delhi – 110001
dated: 27/02/2020

To

The CMD,
BSNL,
Bharat Sanchar Bhawan,
Janpath, New Delhi-110001

[Attention: Shri Milind Bagaddeo, AGM-SR]

Subject: **Cancellation of POs (Orders of absorption) of employees recruited by BSNL on or after 01.10.2000**

Sir,

I am directed to refer to letter No. BSNL/3-1/SR/2019 dated 18-02-2020 on the subject noted above and to say that ruling position read with instructions of Department of Telecom for permanent absorption in BSNL are relevant for the purpose.

(i) *The language of Rule 37A of CCS (Pension) Rules clearly states that only Government employees (permanent or temporary), who were on rolls of Government before corporatisation and transferred on deemed deputation upon corporatisation of Government Department are covered under Pension Rule for payment of Pension from Consolidate Fund of India. The language of rule position is quite clear and unambiguous*

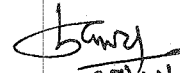
(ii) *Any employee who has been formally appointed by BSNL on or after 01.01.2000 and joined BSNL is BSNL appointee. Vide letter dated 13.09.2002, necessary clarification has already been issued. However, as an exceptional and special case, by giving due weightage to various provisions of Casual Labourer (Grant of Temporary Status and Regularisation) Scheme, 1989 of Telecom Department [i.e one time scheme for casual workers engaged before framing of Scheme], which provide counting of 50% of TSM Service for pension upon regularisation, entitlement to GPF etc, only those casual workers, who were conferred*

with temporary status upto issuance of letter dated 12.02.1999 issued by Department of Telecom Services or in terms of letter dated 12.02.2009 [in pre corporatisation phase on or before 30.09.2000] and regularised w.e.f 01.10.2000 or later (in BSNL) in terms of instructions dated 29.09.2000 of Department of Telecom Services, have been extended the benefits of pension in terms of Rule 37A of CCS (Pension) Rules for which OM dated 20.10.2006 was issued by the DoT.

(iii) Any erroneous administrative order vide which any ineligible employee has erroneously covered by Rule 37A of CCS (Pension) Rules is ab initio void and attracts doctrine of ultra vires, for which necessary correction/rectification may be made by the Director (Estt.) nominated in Telecom Circle by passing a reasoned and speaking order clarifying the afore-aid rule position read with instructions on the subject.

2. Accordingly, necessary action for rectification of administrative mistakes (i.e extending the benefits of Rule 37A of CCS-Pension Rules in terms of Orders of absorption to ineligible employees) may be taken and necessary instructions may be issued to Telecom Circles/Maintenance Regions. The cases of Tamilnadu Circle may be dealt accordingly.

Yours faithfully,


27/04/2010

(Subodh Kumar Jayaswal)

Under Secretary to Government of India

Tel. 23036226

Copy to:-

- (i) The Chief General Manager, BSNL, Tamilnadu Circle, New Administrative Building, 6th floor, 16 Greaves Road, Chennai-600006
- ✓ (ii) PA to US (SNG) for uploading the letter on the website of DoT.