

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: 23/02/2021

To

The CMD,
BSNL,
Janpath, New Delhi-110001

[Attention: Ms Sunita Arora, AGM-SR]

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

Sir,

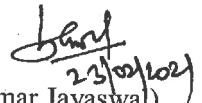
I am directed to refer to this office letter of even number dated 27.02.2020 on the subject noted above and to say that certain clarifications have been issued by this Department with regard to Statutory Provisions i.e Rule 37A of CCS (Pension) Rules in context of permanent absorption of Government servants in BSNL and special concession in the form of payment of pension under Pension Rules to the casual workers, who attained temporary status in terms of Casual Labourer (Grant of Temporary Status and Regularisation) Scheme, 1989 in erstwhile DTS/DTO (before 01.10.2000) and regularised in BSNL. It has come to the notice of this Office that letter dated 27.02.2020 contains inadvertent typographical errors.

2. Accordingly, corrigendum is issued with the following corrections in the letter dated 27.02.2020:-

- (i) In Para (ii)/Line 2, the date for formal appointment in BSNL viz. on or after 01.01.2000 is corrected and read as "on or after 01.10.2000".
- (ii) In Para (ii)/Line 10, the letter dated 12.02.2009 of Department of Telecom is corrected and read as letter dated 12.02.1999.
- (iii) In Para (iii)/Line 1, 'been' is inserted between has and erroneously. Therefore, 'has erroneously' shall be read "has been erroneously".

This issues with the approval of Competent Authority.

Yours faithfully,


23/02/2021

(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 Greams Road, Chennai-600006
- ✓ (ii) PA to US (SNG) for uploading the letter on the website of DoT.

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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 01.10.2000[] 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 12.02.1999[**] [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 been[***] 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,

-sd-

(Subodh Kumar Jayaswal)
Under Secretary to Government of India
Tel. 23036226

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[*][**][***] Corrected vide corrigendum dated 23.02.2021