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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00870/2018

with

Original Application No.180/00397/2019

&

Original Application No.180/00415/2019

with

Original Application No.180/00469/2019

&

Original Application No.180/00124/2019

with

Original Application No.180/00105/2019

with

Original Application No.180/00900/2019

Monday, this the 25th day of August, 2025

C O R A M :

**HON'BLE Mr.JUSTICE SUNIL THOMAS, JUDICIAL MEMBER
HON'BLE Mrs.V.RAMA MATHEW, ADMINISTRATIVE MEMBER**

Original Application No.180/00870/2018

P.V. Krishnakumar,
S/o.Late Vamakesan, Aged 49 years,
working as Regular Mazdoor,
Transmission Project, BSNL,
Gandhi Nagar, Ernakulam.
Residing at Pazhamana Parambu,
Vaduthala, Kochi-682 023.

...Applicant

(By Advocate : Mr.Nirmal.V.Nair)

v e r s u s

1. Union of India,
represented by the Secretary to Ministry of Telecommunication,
New Delhi, 110 001.
2. Bharath Sanchar Nigam Ltd.,
represented by its Chairman and Managing Director,
Sanchar Bhavan, New Delhi 110 001.
3. Chief General Manager, Telecommunication, BSNL,
Kerala Circle, Thiruvananthapuram - 695 003.
4. The General Manager,
Transmission Projects, Madurai.
5. The Deputy General Manager,
Transmission Projects Telecommunication,
CTSD Complex, Gandhi Nagar, Ernakulam-682 020.
6. Director (Esst-Kerala), Department of Telecommunications,
O/o.the Director (Establishment),
Thiruvananthapuram-695 033. **...Respondents**

**(By Advocates : Mr.N.Anilkumar, SPCGC [R1&6]
& Mrs.Girija K Gopal [R2-5])**

Original Application No.180/00397/2019

K.A. Santhakumari, W/o.Late T.S. Mani, Aged 59 years,
working as Telecom Technician, 5ESS Telephone Exchange, Guruvayur.
Residing at Thachattiri House, Perumpilavu.
Thippilissery, Thrissur-680 519. **...Applicant**

(By Advocate : Mr.Nirmal.V.Nair)

v e r s u s

1. Union of India, represented by the Secretary
to Ministry of Telecommunication, New Delhi - 110 001.

2. Bharath Sanchar Nigam Ltd.,
represented by its Chairman and Managing Director,
Sanchar Bhavan, New Delhi 110 001.
3. Chief General Manager, Telecommunication, BSNL,
Kerala Circle, Thiruvananthapuram - 695 003.
4. Director (Esst-Kerala), Department of Telecommunications,
O/o.the Director (Establishment), Thiruvananthapuram-695 033.
5. The Principal General Manager,
Telecommunication, Thrissur - 680 022. **...Respondents**

**(By Advocates : Mr.M.N. Manmadan, SCGSC [R1]
& Mrs.Girija K Gopal [R2, 3 & 5])**

Original Application No.180/00415/2019

1. Suvi C.R, Aged 46 years, S/o.Ravindran C.N,
Junior Engineer, Digital Transmission Station,
BSNL, STR, Kanjirapapilly.
Residing at Chengalikuzhiyil,
Manarcaud P.O., Kottayam – 686 010.
2. Rajesh M.S, Aged 48 years,
S/o.late V.R Sreedharan Nair,
Junior Engineer, BSNL Exchange,
Makarapparamba, Malappuram.
Residing at Madasseril, Thiruvankulam,
Tripunithura – 692 305.
3. Jackson V.P, Aged 47 years, S/o.Pope,
Motor Driver Grade I, Optical Fibre Station,
BSNL, STR, Aluva.
Residing at Vadakkumchery,
Melur P.O., Chalakudy – 680 311. **...Applicants**

**(By Advocates : Mr.P. Ramakrishnan, Mrs.Preethi Ramakrishnan
& Mr.Pratap Abraham Varghese)**

v e r s u s

1. Union of India
represented by Secretary to Government,
Department of Telecommunication,
Ministry of Communication and IT,
Sanchar Bhavan, New Delhi – 110 001.
2. Director (Estt-Kerala),
Office of the Director (Estt-Kerala),
Department of Telecommunication,
Thiruvananthapuram – 695033.
3. Bharat Sanchar Nigam Limited,
represented by its Chairman and Managing Director,
Janpath Road, Janpath, New Delhi – 110 001.
4. The Chief General Manager – Telecom,
Office of the Chief General Manager – Telecom,
BSNL, Thiruvananthapuram – 695 033. **...Respondents**

**(By Advocates : Mr.C. Rajendran, SCGSC (R1&2)
& Mrs.Girija K Gopal [R3&4])**

Original Application No.180/00469/2019

C.Vasudevan, Aged 60 years,
S/o.Krishnankutty Nair,
Retired Motor Driver Grade – 1,
B.S.N.L, STR Outdoor, Kalpetta.
Residing at Aswathy Nivas, Thekkumthara P.O.,
Kalpetta Via, Wayanad – 673 122. **...Applicant**

**(By Advocate : Mr. P. Ramakrishnan, Mrs.Preethi Ramakrishnan
& Mr.Pratap Abraham Varghese)**

v e r s u s

1. Union of India represented by Secretary to Government,
Department of Telecommunication,
Ministry of Communication and IT,
Sanchar Bhavan, New Delhi – 110 001.
2. Director (Estt-Kerala),
Office of the Director (Estt-Kerala),
Department of Telecommunication,
Thiruvananthapuram – 695 033.
3. Bharat Sanchar Nigam Limited,
represented by its Chairman and Managing Director,
Janpath Road, Janpath, New Delhi – 110 001.
4. The Chief General Manager – Telecom,
Office of the Chief General Manager – Telecom,
BSNL, Thiruvananthapuram – 695 033. **...Respondents**

**(By Advocates : Mr.Thomas Mathew Nellimoottil, SPCGC [R1 & 2]
& Mrs.Girija K Gopal [R3 & 4])**

Original Application No.180/00124/2019

Manjula P.M., W/o Biju K.G, Aged 39 years,
Working as Accounts Officer, BSNL,
Office of DGM (TR), CTX Building,
Statue, Trivandrum – 695 001.
Residing at Gurunirmitham House,
Nellikad, Shanthigiri P.O., Trivandrum – 695 589. **...Applicant**

**(By Advocates : Mrs. Sumathi Dandapani, Sr.
along with Mr.Millu Dandapani)**

v e r s u s

1. Union of India
represented by Secretary,
Ministry of Communication,
New Delhi – 110 001.

2. Bharat Sanchar Nigam Limited (BSNL),
represented by Chairman and Managing Director,
Sanchar Bhavan, New Delhi – 110 001.
3. Chief General Manager, BSNL,
Kerala Circle, Thiruvananthapuram – 695 033.
4. Principal General Manager, BSNL,
Thiruvananthapuram – 695 001.

...Respondents

**(By Advocates : Mr.M.N.Manmadan, SCGSC [R-1]
& Mrs. Girija K Gopal [R2 – 4])**

Original Application No.180/00105/2019

Abhilash N.P, Aged 37 years,
S/o.late C.K. Kunjanbava,
Telecom Technician,
Office of SDE Transmission Maintenance,
BSNL, Telephone Exchange,
Tripunithura – 682 301.

...Applicant

(By Advocate : Mr.P. Ramakrishnan)

v e r s u s

1. Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhavan,
Harish Chandra Mathur Lane,
Janpat, New Delhi – 110 001,
represented by its Chairman cum Managing Director.
2. Chief Accounts Officer (Estt),
Office of PGMT, BSNL Bhavan,
Ernakulam, Kochi – 682 016.

...Respondents

(By Advocate : Mrs.Girija K Gopal)

Original Application No.180/00900/2019

Vipin K.L., Aged 38 years,
S/o.Late K.G. Lohidhakshan,
Working as Telecom Technician,
Kandasankadavu Telephone Exchange,
Thrissur SSA, BSNL, Thrissur – 680 613.
Residing at Kumbalathuparambil House,
Arimpoor P.O., Thrissur – 680 620.

...Applicant

**(By Advocates : Mr. M.R Hariraj, Sr. along with Ms.Gisha.G.Raj,
Ms.Raheena.P.I., Ms.Alina Anna Kose, Ms.Akhila.S.,
Ms.Karthika Ganesh, Mr.Vishnu Prasad.N.K.,
Ms.Sandhra Maria Sebastian, Mr.Nayanlal.A.
& Mrs.Jayalakshmi.G.Nair)**

v e r s u s

1. Bharat Sanchar Nigam Limited,
represented by Chairman and Managing Director,
Sanchar Bhavan, New Delhi – 110 001.
2. The Director (Establishment),
Office of the Chief General Manager,
Bharath Sanchar Nigam Limited,
Kerala Circle, Thiruvananthapuram – 695 033.
3. The Chief General Manager, Telecom,
Kerala Circle, Thiruvananthapuram – 695 033.
4. The General Manager, Bharath Sanchar Nigam Limited,
Thrissur, Kerala – 680 020.
5. Union of India, represented by the Secretary
to Government of India, Ministry of Communication,
New Delhi – 110 001.

...Respondents

**(By Advocates : Mrs.Girija K Gopal [R1-4]
& Mr.M.N.Manmadan, SCGSC [R5])**

These Original Applications having been heard on 10.06.2025/18.06.2025, the Tribunal on 25th August, 2025 delivered the following :

ORDER

HON'BLE Mrs.V.RAMA MATHEW, ADMINISTRATIVE MEMBER

This order is passed in a bunch of cases wherein the applicants in the various O.As had the benefit of pension and pensionary benefits in accordance with the CCS (Pension) Rules, 1972 cancelled on the eve of their retirement. There are slight variations in the facts of these cases i.e., O.A.No.180/415/2019 and O.A.No.180/469/2019 is one set, O.A.No.180/124/2019, O.A.No.180/105/2019 and O.A.No.180/900/2019 forms another batch of cases and O.A.No.180/870/2018 and O.A.No.180/397/2019 as the third set. The common thread in all three set of cases is the cancellation of pension and pensionary benefits accorded to them subsequent to the cancellation of the Presidential Order issued between 2001 and 2002 permanently absorbing the applicants in the BSNL.

2. The fundamental issues involved here are -

(a) What is the date of formation of BSNL?

(b) What is the date of initial appointment and whether initial appointment prior to the date of creation of BSNL in 01.10.2000 would make the applicants telecom employees absorbed into the BSNL?

(c) Whether cause of action relating to compassionate appointments which was initiated prior to the creation of BSNL and the process of which was started prior to 01.10.2000 ie., the date of creation of BSNL would make them telecom employees or BSNL employees?

(d) Whether the Presidential Order issued under the aegis of Ministry of Telecommunication could be set aside by an Executive Order of the BSNL?

(e) The final question in this entire gamut of arguments would be whether the action which took place between 2000 and 2002 could be reversed? Whether is it right to unsettle the rights of the applicants after a gap of 18 to 20 years on the eve of their retirement in the majority of cases?

(f) A corollary could also be a situation where a similarly placed person by virtue of retirement prior to the issue of cancellation order in 2018 and 2019 will receive the pension and pensionary benefits without interruption placing the individuals who have retired on a later date on a different footing.

3. We are now taking O.A.No.180/870/2018 and O.A.No.180/397/2019 based upon the factual matrix. At the outset Office Memorandum issued by Ministry of Communications dated 30.09.2000 regarding setting up of Bharat Sanchar Nigam Limited and transfer of staff is reproduced below -

“Subject – Setting up of Bharat Sanchar Nigam Limited – transfer of staff – orders issued – regarding.

In pursuance of New Telecom Policy 1999, the government of India has decided to corporatise the service provision functions of Department of Telecommunications (DoT). Accordingly, the undersigned is directed to state that the Government of India has decided to transfer the business of providing telecom services in the country currently run and entrusted with the Department of Telecom Services (DTS) and the Department of Telecom Operations (DTO) as was provided earlier by the Department of Telecommunications to the newly formed Company viz., Bharat Sanchar Nigam Limited (the Company) with

effect from 1st October 2000. The Company has been incorporated as a company with limited liability by shares under the Companies Act, 1956 with its registered and corporate office in New Delhi.

2. The Department of Telecom Services and Department of Telecom Operations concerned with providing telecom services in the country and maintaining the telecom network/telecom factories were separated and carved out of the Department of Telecommunications as a precursor to corporatisation. It is proposed to transfer the business of providing telecom services and running the telecom factories to the newly set up Company, viz., Bharat Sanchar Nigam Limited with effect from 1st October 2000. The Government has decided to retain the functions of policy formulation, licencing, wireless spectrum management, administrative control of PSUs, standardisation & validation of equipment and R & D etc. These would be responsibility of Department of Telecommunications (DoT) and Telecom Commission. As such, administrative department for Bharat Sanchar Nigam Limited would be the Department of Telecommunications (DoT).

3. The assets and liabilities of the present Department of Telecom Services and Department of Telecom Operations which earlier formed part of DoT will be transferred for this purpose by a separate order.

4. Since it will take some time for the new Company to finalise the terms and conditions for staff and to give an opportunity to Officers, staff employees and industrial workers working in various circles/offices/units for exercising their options to join the newly created Company, it has been decided to make the following interm arrangements for smooth transition of administration and operations to the new company -

(i) *The establishment (officers, staff, employees and industrial workers) sanctioned for exchanges/offices, in various telecom circles, metro districts of Calcutta and Chennai, project circles, civil, electrical and architectural wings, maintenance regions, specialised telecom, units namely Data Networks, National Center for Electronic Switching, Technical and Development circle, Quality Assurance circle (except TEC), training institutions, other units like telecom factories, stores and electrification projects of DoT/DTS/DTO (belonging to various organized services and cadres given in Annexure A to this letter) and posted in these circles/offices/units will stand transferred to Bharat Sanchar Nigam Limited alongwith their posts on existing terms and conditions, on as is where is basis, on deemed deputation, without deputation allowance, with effect from 1st October 2000, ie., the date of taking over of telecom operations by the Company from DTS & DTO. Bharat Sanchar Nigam Ltd., will exercise control and supervision of staff working against these posts.*

(ii) *The organizational structure of restructured Department of Telecommunications (DoT) is given at Annexure 'B (Tables I to IV giving posts/units to be retained in DoT and to be transferred to BSNL). Consequent to residual work of DTS and DTO being transferred to DoT, it will continue to do the work allocated under Allocation of Business Rules. The officers and staff presently working in these posts will continue to work, until further orders in their existing posts under DoT and all other officers and staff will stand transferred along with their posts on existing terms and conditions, on as is where is basis, on deemed deputation without deputation allowance w.e.f 01.10.2000 to the Company.*

(iii) *The Telecom Engineering Centre (TEC), Centre for Development of Telematics (C-DOT), Wireless Planning and Coordination (WPC) and Wireless*

Monitoring Organization (WMO) will remain with the Government under the control of the Department of Telecommunications. An expert committee will be constituted for distribution of work of TEC between DoT and the Company. Subsequently, as per the report of the expert committee, allocation of staff will be done accordingly.

(iv) Officers and staff belonging to various Central Secretariat Services (mentioned in Annexure A) providing services to offices/units being transferred to the Company will stand transferred alongwith their posts, on as is where is basis, on deemed deputation, without deputation allowance w.e.f 01.10.2000 to the Company on existing terms and conditions of service. Further orders in the matter would be decided by DoT in consultation with DoPT which is the cadre controlling authority of CSS.

(v) Officers and staff shall continue to be subject to all rules and regulations as are applicable to Government servants, including the CCS (CCA) Rules till such time as they are absorbed finally by the Company after they exercise their options. Their pay scales, salaries and allowances will continue to be governed by existing rules, regulations and orders.

(vi) The management of Bharat Sanchar Nigam Limited shall have full powers and authority to effect transfers of all the staff at all levels working under it.

(vii) Bharat Sanchar Nigam Limited will be competent to create posts as per norms adopted by it, however, it will seek prior approval of the Government for appointments to higher level posts as per provisions of Article 144 (1) of its Articles of Association.

(viii) Instructions regarding appointing and disciplinary authorities for employees working on deemed deputation and disposal of pending disciplinary and vigilance cases will be issued separately.

(ix) Regarding pension, gratuity and retiral benefits separate guidelines and order will be issued.

5. These orders will come into effect from 1st October, 2000."

4. In so far as the date of creation of BSNL is concerned, there is no dispute, it was declared as constituted on 01.10.2000. All the employees were casual labourers engaged in different times. Vide order dated 29.09.2000 the Department of Telecom Services directed the following -

" The employees unions are demanding regularization of all the casual labourers. This issue was under consideration for quite some time. It has been decided to regularize all the casual labourers working in the Department, including those who have been granted temporary status with effect from 01.10.2000 in the following order -

(1) All casual labourers who have been granted temporary status upto the issuance of orders No.269-4/93-STN-II dated 12.02.1999, circulated vide letter No.269-13/99-STN-II dated 12.02.1999 and further vide letter No.269-13/99-STN-II dated 09.06.2000.

(2) All full time casual labourers as indicated in the Annexure.

(3) *All part time casual labourers who were working for four or more hours per day and converted into full time casual labourers vide letter No.269-13/99-STN-II dated 16.09.1999.*

(4) *All part time casual labourers who were working for less than four hours per day and were converted into full time casual labourers vide letter No.269-13/99-STN-II dated 25.08.2000.*

(5) *All Ayas and Supervisors converted into full time casual labourers as per order No.269-10/97-STN-II dated 29.09.2000.*

The number of casual labourers to be regularized in categories (2) to (5) above is given in the Annexure enclosed. The figures given in the Annexure are based on information received from the Circles.

The casual labourers indicated from (1) to (5) above are to be adjusted against available vacancies of Regular Mazdoors. However, Chief General Managers are also authorized to create posts of Regular Mazdoors as per the prescribed norms and to that extent, the prescribed ceiling for the Circle will stand enhanced.

As per this office letter No.269-4/93-STN-II dated 12.02.1999, vide which temporary status was granted to casual labourers eligible on 01.08.1998, no casual labourers were to be engaged after this date and all casual labourers not eligible for temporary status on 01.08.1998 were to be disengaged forthwith. Therefore, there should be no casual labourers left without temporary status after 01.08.1998 (other than those indicated in Serial Nos.(2) to (5) above. However, if there is still any case of casual labourers left out due to any reasons, that may be referred to the Headquarters separately.

This issues with the concurrence of Telecom Finance Diary No.3536/2000/FA-1 dated 29.09.2000."

5. Based on this letter, sanction has been communicated by the Chief General Manager to regularize a list of Temporary Status Mazdoor. The pay fixation with effect from 01.10.2000 was done subsequently and permanent absorption order was issued on the following dates for each individual which has been tabulated and placed below for each of the applicants -

| <i>Name</i> | <i>O.A</i> | <i>Initial Apptt.</i> | <i>Nature of Apptt.</i> | <i>Date of permanent absorption</i> | <i>Date of order</i> |
|-------------------------|---------------|-----------------------|-----------------------------|-------------------------------------|----------------------|
| <i>P.V.Krishnakumar</i> | <i>870/18</i> | <i>PTCL</i> | <i>Casual Mazdoor</i> | <i>01/10/00</i> | <i>06/03/02</i> |
| <i>Santhakumari.K.A</i> | <i>397/19</i> | <i>Ayah</i> | <i>TSM</i> | <i>01/10/00</i> | <i>15/02/02</i> |
| <i>Manjula.P.M</i> | <i>124/19</i> | <i>TOA(G)</i> | <i>Compassionate apptt.</i> | <i>10/10/00</i> | <i>04/04/02</i> |
| <i>Vipin.K.L.</i> | <i>900/19</i> | <i>Group D</i> | <i>Compassionate apptt.</i> | <i>01/10/00</i> | <i>19/01/02</i> |
| <i>Abhilash.N.P.</i> | <i>105/19</i> | <i>Group D</i> | <i>Compassionate apptt.</i> | <i>14/11/00</i> | |
| <i>Vasudevan.C</i> | <i>469/19</i> | <i>Driver</i> | <i>Casual Mazdoor</i> | <i>24/04/01</i> | <i>06/03/02</i> |
| <i>Suvi.C.R</i> | <i>415/19</i> | <i>Driver</i> | <i>Casual Mazdoor</i> | <i>21/03/01</i> | <i>23/07/02</i> |
| <i>Rajesh.M.S</i> | <i>415/19</i> | <i>Driver</i> | <i>Casual Mazdoor</i> | <i>12/09/01</i> | <i>23/07/02</i> |
| <i>Jackson.V.P</i> | <i>415/19</i> | <i>Driver</i> | <i>Casual Mazdoor</i> | <i>14/09/01</i> | <i>23/07/02</i> |

6. Subsequently O.M dated 20.10.2006 was issued by the Department of Telecommunications for counting of past services of the Temporary Status Mazdoors upon their absorption in BSNL wherein it has been

stated that *“in supersession to previous orders for absorption in respect of Temporary Status Mazdoors (TSMs), it has been decided that those Temporary Status Mazdoors who have been regularized in pursuance of this Office Letter No.269-94/98-STN-II dated 29.09.2000 were to be absorbed in BSNL w.e.f 01.10.2000 as per their status as existing on 30.09.2000. Accordingly, Presidential Orders may be issued in respect of those Temporary Status Mazdoors who were having TSM status prior to 30.09.2000 so as to allow them benefit of counting of 50% of the TSM period for pensionary benefits. Related service matters of these TSMs absorbed in BSNL w.e.f 01.10.2000 may be resolved accordingly. It is further clarified that in respect of those Casual Labourers who were not having TSM status as on 30.09.2000 and who have been regularized in BSNL after 01.10.2000, their status will be of a PSU appointee and therefore, no Presidential Order need be issued in such cases. Prior to issue of Presidential Orders, the case of eligible TSMs may be examined and forwarded through BSNL HQ for approval for issue of Presidential Orders. The individual Presidential Orders will be issued at circle level under the signature of the Director (Estt.) designated for the issue of Presidential Order.”*

7. The manner of treatment of these employees have been clarified by Annexure R-3(e) and Annexure R-3(f) dated 30.01.2002 and 04.05.2007 respectively. There are substantial variations in the position taken in these two letters. A clarification sought on the question of whether the employee appointed on compassionate ground and the inter departmental transferees who joined on or after 01.10.2000 are to be permitted to exercise their option for BSNL. It was earlier held that as per the decision taken earlier, approval of Secretary DoT is finally required for compassionate appointments. Therefore, options are to be asked for from compassionate appointees. As per revised clarification issued options from compassionate ground appointment case where appointment order issued after 30.09.2000 by BSNL will not be required to be called for and such appointees will be treated as BSNL recruited employees only. In case option from any such appointee has been called for and PO issued, it shall be treated as null and void.

8. Another issue is with regard to cases of compassionate ground appointment where appointment order issued after 31.03.2001 and wants to submit option and whether their option will be accepted or not. The existing clarification is in the affirmative stating that the date of

appointment would be the date of option. The revised clarification is same as above. On 10.05.2007 a further clarification was issued wherein it is stated that casual labourers not having Temporary Status in DoT prior to 01.10.2000 who are regularized in BSNL and employees appointed on compassionate ground where appointment order has been issued after 30.09.2000 by BSNL are to be treated as BSNL recruited employees only.

9. We are now clearly indicating in a chart the exact position of each of the applicants in the 3 O.As. In O.A.No.180/124/2019, O.A.No.180/105/2019 and O.A.No.180/900/2019 the applicants are compassionate appointees. The date of initial appointment of the three applicants are 10.07.2000, 30.09.2000 and 16.08.2000 respectively. However, the date of joining 10.10.2000, 14.11.2000 and 03.10.2000 respectively. The absorption orders were issued on 18.07.2001, 14.11.2000 and 19.01.2002 respectively. Given the facts that the appointments were made prior to the date of formation of BSNL, which is on 01.10.2000 the appointment orders were obviously issued by the DoT because this is prior to the creation of BSNL. The instructions in this regard are the notification produced at Annexure R-3(a) dated 30.09.2000

ie., S.O.904(E). In the said notification 37A governs the conditions for payment of pension on absorption consequent upon conversion of a Government Department into a Central autonomous body or a Public Sector Undertaking. It states that on conversion of a department of the Central Government into a public sector undertaking or an autonomous body, all Government servants of that department shall be transferred en-masse to that public sector undertaking or autonomous body, as the case may be, on terms of foreign service without any deputation allowance till such time as they get absorbed in the said undertaking or body, as the case may be, and such transferred Government servants shall be absorbed in the public sector undertaking or autonomous body, as the case may be, with effect from such date as may be notified by the Government. Now the date of absorption, therefore, which ranges from 18.07.2001 to 12.01.2002 becomes relevant only with reference to the date of the Government Order which governs their absorption but will not change their status as a transferred employee per se. That would be governed by the first part of the aforementioned S.O which says that all Government servants of that department shall be transferred en-masse to that public sector undertaking or autonomous body. The appointment orders for these three employees were issued by the Department of Telecom and not

by the BSNL. The factum of their having joined after the date of formation of BSNL will not change the status of their appointment as by the DoT. They were not independently recruited and appointed by the BSNL and there is no such averment to that effect at any point. This fact was clearly recognized in the clarification which was issued by the Government of India, Department of Telecom Services, prior to Annexure A-4 appointment order in O.A.No.180/900/2019 declaring the applicant selected for appointment as Group 'D' in relaxation of normal Recruitment Rules on compassionate grounds vide CGMT TVM Lr.No.Rectt/9-18/2000 dated 16.08.2000 and posted as Regular Mazdoor under Commercial Officer – I, Office of the General Manager Telecom District, Thrissur. This letter is dated 29.09.2000. The factum of his appointment order being issued on 21.03.2001 by the BSNL and the order issued on 19.01.2002 of absorption in BSNL by the Department of Telecommunication is indicative of the confusion regarding the status of these individuals prevailing at the time. The confirmation in the cadre of Regular Mazdoor was also issued on 12.11.2002 by the BSNL. It was clarified by Annexure A-7 letter of BSNL dated 04.05.2007 that options from compassionate ground appointment case where appointment order issued after 30.09.2000 by the BSNL would not be called for and such

appointees would be treated as BSNL recruited employee only. Earlier decision in this regard was that since appointment was approved by Secretary, DoP&T, options from compassionate appointees are to be called for to absorb into the BSNL and would, therefore, be treated as telecom employees absorbed into BSNL. However, inspite of these clarifications, it is only in 2019 that the impugned Presidential Order cancelling the absorption in DoT was issued and this is with reference to the clarification dated 04.05.2007.

10. With regard to these three O.As, it is nobody's case that the direction for appointment was not issued by the DoT. The fact remains that the appointment order itself was issued by the BSNL but this is act in continuation of the decision of recruitment for employment. The cause of action for candidature also arose within the DoT. The earlier order of DoT clarifying their status also states it is an order of the Chandigarh Bench of this Tribunal in T.A.No.35-37/2009. The relevant portion is reproduced below -

“2. It is the projected case of the applicants that their fathers were working in the Department of Telecommunication and died while in active service before 30.09.2000 ie., before the formation of Bharat Sanchar

Nigam Limited. The applicants were offered appointment on compassionate grounds in Group and D vide order dated 17.11.2000 (Annexure P-4) by the office of Principal General Manager, Telecom, Bharat Sanchar Nigam Limited, Jalandhar. After completion of training, they joined their duties. Copies of pay slips of the applicant No.1 are as at Annexures P-5 and P6. The Department of Telecommunication was taken over by the Bharat Sanchar Nigam Limited and Group 'C' and 'D' employees were absorbed by BSNL. The conditions of absorption of Group 'C' and 'D' staff in BSNL is given in Notification dated 02.01.2001 (Annexure P-1). A clarification regarding GPF Scheme was issued on 16.01.2003 (Annexure P-2) indicating that "the Casual Labourers/Temporary Status Mazdoors who were regularized or persons who were appointed by BSNL on compassionate ground on or after 01.10.2000 as nominees of the employees of DOT/DTS/DTO dies in harness up to 30.09.2000 were to come under GPF Scheme and not under EPF/CPF Scheme". This was reiterated vide clarification Annexure P-3.

The applicants state that they were employees of Department of Telecommunication and they were asked to give their options for absorption in BSNL vide letter dated 30.01.2001. They submitted their consent for absorption. The applicants were absorbed in BSNL by way of an order issued in the name of the President of India. One such order in respect of Applicant No.2 is Annexure P-7. The DoT employees absorbed in BSNL were entitled to benefits of CCS (Pension) Rules whereas BSNL employees receive benefits of Employees Provident Fund. However, the respondents withdrew order dated 26.04.2006 vide order dated 03.07.2006 (Annexure P-8) treating the appointments of applicants during 2000-2001 as null and void. However, this order was withdrawn, as per written statement filed by respondents in CWP No.10702 of 2006 (Annexure P-9). However, again vide order dated 08.08.2008 (Annexure P-10), the respondents withdrew the order and asked the

applicants to give back their Presidential Orders. The applicants have argued that once they were appointed by DoT and later on absorbed in BSNL, cancellation of Presidential Order is illegal and more so when it is in violation of principles of natural justice.

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8. *It is not in dispute that the first clarification was issued by Head Office of BSNL on 16.01.2003 (Annexure P-2) which clearly indicated that Casual Labourers/Temporary Status Mazdoors who are regularized by BSNL on or after 01.10.2000 and the persons who were appointed by BSNL on compassionate ground on or after 01.10.2000 as nominees of the employees of DOT/DTS/DTO died in harness up to 30.09.2000 will be covered by General Provident Scheme and not by EPF/GPF Scheme. The persons appointed by BSNL on compassionate grounds on or after 01.10.2000 as nominees of employees of DOT/DTS/DTO dies in harness up to 30.09.2000 will come under GPF Scheme. This clarification has never been withdrawn by the respondents till date. The position that exists as on date on the basis of said instructions is that persons who were appointed on compassionate grounds on or after 01.10.2000, whose bread winner, died in harness up to 30.09.2000 will come under the GPF Scheme. The category of persons coming under these instructions are a class by themselves.*

9. *Resultantly, the impugned order, Annexure A-10 dated 08.08.2008 is hereby quashed and set aside with direction to the respondents to restore the benefit of GPF Scheme to the applicants as per Rules applicable in their case. With these directions and observations, these three Original Applications stand disposed off. No costs."*

The order dated 19.08.2010 in C.W.P.No.14802 of 2010 upheld the aforesaid decision of the Tribunal. Thereafter, this has gone right up to the Hon'ble Supreme Court.

11. This issue has also been discussed in extenso in order in O.P(CAT) No.63/2017 dated 13.11.2019 which has upheld the above position. It is true that the issue is currently part of an SLP filed before the Hon'ble Supreme Court, but the Hon'ble Supreme Court has specifically stayed the operation of the order. However, in the absence of any directions to the contrary the legal position remains as stated.

12. Given the above stated condition this is settled law and therefore the status of these employees cannot be altered. This position has been attempted to be defended by the respondents on the ground that the Chandigarh Bench of this Tribunal had allowed the T.A on the ground that this has never been withdrawn by the respondents and apparently the position taken by the Chandigarh Bench and upheld till the Hon'ble Supreme Court can be overcome by issuing a withdrawal order. If this had been the position initially there would have been some cause of action. However, not having done so then and to argue that at this point

of time appears to be like '*closing the stable door after all the horses have bolted*'. In defence Annexure R-3(j) and (k) has been produced wherein it has been decided by the Department of Telecommunication that this was not a fit case for filing review and therefore it was to be implemented in personam and they have also cited in Annexure R-3(k) the legal cell has opined that since the Hon'ble Supreme Court had left the question of law open and only upheld the decision considering the peculiar facts involved in these batch of cases, hence the decision was not to be treated as precedent. DoT, being the Administrative Ministry, had been directed for implementation of orders only in respect of specific parties in the SLPs.

13. However, it should be noted that in these cases the facts cited are identical to the two O.As discussed in the Chandigarh Bench of the Tribunal except on the issue of withdrawal of Presidential Orders in a grossly belated manner. Under those circumstances, it appears that the decision of the Hon'ble High Court of Punjab & Haryana and Hon'ble Supreme Court would continue to hold the field unless the BSNL is in a position to state that they had taken actions differently for those applicants in those two O.As.

14. With respect to O.A.No.180/415/2019 and O.A.No.180/469/2019 where the employees are temporary status mazdoors and casual labourers who are regularized in the BSNL. However, the facts are different. The employees joined as temporary status mazdoors on 19.03.2001 and 04.04.2001 respectively and their absorption orders were issued on 23.07.2002 and 06.03.2002 respectively. There is a clear clarification in the case of the applicant in O.A.No.180/469/2019 that the initial appointment was done by the Telecom Ministry and in the case of the applicant in O.A.No.180/415/2019 the initial appointment was done by the BSNL. There is clarification by the BSNL on 10.04.2006 wherein it has been held that those who have been regularized on or after 01.10.2000 would be treated as BSNL employees. It is stated that as per the decision taken earlier, casual labours regularized in pursuance to the said letter dated 29.09.2000 would remain Government employees and option was required to be asked from them for absorption. This is also covered by the revised clarification wherein it has been stated that options from casual labours having temporary status in DoT prior to 01.10.2000 who are regularized in BSNL is to be treated in accordance with BSNL letter dated 31.10.2006. Options from casual labour regularized in BSNL who were not having temporary

status mazdoor status in DoT will not be called for and such regularized casual labours will be treated as BSNL recruited employee only.

15. The implication of such a belated cancellation of Presidential Order 12 years after the clarification was issued and 16 years after the original date of absorption and 17 years after the employee was appointed would have huge financial implications. In so far as future entitlement and their status is concerned, it appears on the face of it to be a fly in the face of all existing jurisprudence. While an employer is entitled to rectify a mistake committed in handling in so far as the emoluments etc., to the employee are concerned, whether that entitlement would extend to changing the fundamental terms of his appointment itself is a question which we are asked to determine over here. A mistake can be corrected is a trite law. However, whether a mistake which has been resisted for over two decades can be altered to the serious detriment of an employee is a question which has been addressed in **Bhoop Singh vs. Union of India & Ors., (AIR) 1992 SC 1414**, judgments in O.P.(CAT) No.1027/2013 and O.P.(CAT) No.295/2016 of the Hon'ble High Court of Kerala and the general answer

is 'No'. In a similar matter the Hon'ble High Court of Kerala in O.P.(CAT) No.63/2017 arising out of the order of this Tribunal in O.A.No.504/2013 has held as under -

“15. Be that as it may; even if we accept it, then the question is what is the effect of the cancellation; leaving aside, for the moment, our finding on the irreversibility of the acceptance of an option. In this context we note Annexure A8, the first order issued by the DoT, on sanction from the President, which is termed as the Presidential order. We extract the said order from one of those produced in Annexure A8 series.

No.27-1KRL/Chief Engineer (Civil)/247/2002 Dated 13.3.2002

ORDER

Sub: Permanent absorption of Shri Prasobh J Nair; TOA(G)I, staff No.4040 in Bharat Sanchar Nigam Limited.

1. Pursuant to letter No.BSNL/4/SR/2000 dated 2.1.2001 on the above subject, and in accordance with the provisions of Rule 37-A of CCS (Pension) Rules, as amended from time to time, sanction of the President is hereby conveyed to the permanent absorption of Sri. Prasobh J Nair, a permanent employee of the Department of Telecommunications, in BSNL, with effect from the date and under the terms and conditions as indicated below.

2. Date of effect:-The permanent absorption shall take effect from 01.10.2000, forenoon.

3. *Pension/Gratuity:- Shri Prasobh J Nair shall be eligible for pensionary benefits including gratuity as per the provisions of Rule 37-A of the CCS(Pension) Rules, 1972, as amended from time to time.*

4. *Family Pension:- The family of Shri Prasobh J Nair shall be eligible for family pension as provisions of Rule 37-A read with Rule 54(13-B) of CCS(Pension) Rules, 1972, as amended from time to time.*

5. *Regulation of pay on absorption:- To be regulated in terms of para 4 of DOP & PW O.M. No4/18/87-P&PW(D) dated 5.7.1989*

6. *Leave:- The Earned Leave and Half Pay Leave at the credit of Shri Prasobh J Nair stands transferred to BSNL on the date of absorption as provided for under Sub-rule 24(b) of Rule 37-A of the CCS (Pension) Rules.*

7. *Provident Fund:- The amount of subscription together with interest there on standing to the credit of Shri Prasobh J Nair in the General Provident Fund account will be transferred to his new Provident Fund Account under the BSNL as provided for under Sub-rule 24(a) of Rule 37-A of the CCS (Pension) Rules, as amended from time to time.*

(A.SUKUMARAN)
DIRECTOR (Estt-Kerala)
DEPARTMENT OF TELECOM

16. *The order is only insofar as the permanent absorption of the petitioners permanently in BSNL. They were alternatively described as permanent or temporary employees of the DoT in the order. They were also granted protection under Rule 37-A of the CCS (Pension) Rules. The cancellation of such an order would only result in their being reverted to Government service under the DoT. The question would be as to whether after long years of such*

service in BSNL, they can be reverted back to the DoT. As we noticed earlier, the option exercised by the employees whether it to be reversion back to DoT or for permanent absorption in BSNL, when accepted by the Government of India is irreversible and there could be no cancellation effected thereat especially after long years. We also notice that cancellation has been effected subsequent to the acceptance of option, without notice to the parties and in contravention of the specific rules referred to by us herein above.

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 BSNL were accepted by the Government by an order with sanction from the President of India, as is seen from Annexure A8 series. This cannot be easily meddled with, especially since the consequence will be a reversion to government service and is hence irreversible. What has been canceled even if we assume it to be with Presidential-sanction is the absorption in the BSNL, not the status accrued to the petitioners of government servants. 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."

16. In the light of the above paragraphs, the different categories of employees would be treated accordingly. The fundamental position with regard to the status of each employee has been declared i.e. (i) where the date of initial appointment is prior to the creation of BSNL on 01.10.2000 in the light of the orders of 29.09.2000 they would be treated as DoT employees and in the case of compassionate appointments where the process has been initiated prior to the creation of BSNL again they would be treated as DoT employees as per the declaration made at the time of transition. Though these issues had been determined prior to the transition and the status of these employees cannot be altered post facto, as to whether the Presidential Orders issued under the aegis of Department of Telecommunications can be set aside by the executive order of the BSNL, the answer to this question does not vest directly. But in answer to the Question No.(e) ie., whether the action taken place between 2000 and 2002 can be reversed in the year 2018 and 2022 to the detriment of the employees without giving notice to them, case laws cited [Bhoop Singh (supra),

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O.P.(CAT) No.1027/2013, O.P.(CAT) No.295/2016] says it cannot be so and it is held accordingly. O.As are allowed in terms of the above declaration.

(Dated, this the 25th day of August, 2025)

V.RAMA MATHEW
ADMINISTRATIVE MEMBER

JUSTICE SUNIL THOMAS
JUDICIAL MEMBER

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List of Annexures in O.A No.180/00870/2018

1. **Annexure A-1** - A True copy of the order No. 27-1/Dir(Esst)/DOT/KRL/2009/110 dated 13.10.2017 issued by the 6th respondent.
2. **Annexure A-2** - A True copy of the order No.F. No.CGMP/E119B/CM/COL.26/57 dated 22.09.2000 issued by the Department of Telecom.
3. **Annexure A-3** - A True copy of the order No. 269-94/98- STNII dated 29.09.2000 issued for the 1st respondent.
4. **Annexure A-4** - True copy of the order no. Rectt/EK-221/TSM/VII/99-2001/66 dated 23.05.2001 issued by the Sub Divisional Engineer.
5. **Annexure A-5** - True copy of the order No. Admn/EK/257/4/2000/01/110 dated 11.07.2001 issued by the Sub Divisional Engineer.
6. **Annexure A-6** - True copy of the pay fixation memo no. DGM/TP/ENK/E-28-4/45 dated 17.07.2001 issued by the Accounts Officer (Estt) Telecom Transmission Projects, Ernakulam.
7. **Annexure A-7** - True copy of the Order No. 27/1/KRL/Ernakulam/1135/2002 dated 06.03.2002 issued for the 1st respondent.
8. **Annexure A-8** - True copy of representation dated 22.06.2013.
9. **Annexure A-9** - True copy of letter no. BSNL/DGM/TP//ENLK/E-4/IV/14 dated 25.06.2013.
10. **Annexure A-10** - True copy of order No.GM/TP/MA/E-7/Vol.IX/52 dated 16.04.2015 issued by the 4th respondent.
11. **Annexure A-11** - True copy of the final order dated 30.06.2017 in O.A. 409/2015 on the files of this Hon'ble Tribunal.

- 12. Annexure A-12** - True copy of the letter No.GM/TP/MA/E-13-D/Vol III/11 dated 30.10.2017 issued by the 4th respondent containing Endt.No.BSNL/DGM/TP/ENK/G-116/II/34 dated 02.11.2017.
- 13. Annexure A-13** - True copy of the final order dated 08.06.2016 in O.A. 493/2013 on the files of this Hon'ble Tribunal.
- 14. Annexure A-14** - True copy of the judgment dated 17.11.2016 OP(CAT) 295/2016 on the file of the Hon'ble High Court of Kerala.
- 15. Annexure A-15** - True copy of the judgment dated 13.11.2019 in O.P.(CAT)No. 63 of 2017 on the files of the Hon'ble High Court of Kerala.
- 16. Annexure A-16** - True copy of the judgment dated 17.07.2019 in O.P.(CAT)No. 66 of 2019 on the files of the Hon'ble High Court of Kerala.
- 17. Annexure R-1(a)** - True copy of the Office Memorandum No. 2.29/2000-Restg dated 30.09.2000 issued by Ministry of Communications, Department of Telecommunication Services.
- 18. Annexure R-1(b)** - True copy of Rule 37A of CCS Pension rules 1972 notified on 30.09.2000 by Department of Pension and Pensioner's Welfare (DOP&PW) for permanent absorption of Government employees in Government Department transferred to public sector unit consequent upon corporatization of Government Department.
- 19. Annexure R-3(a)** - True copy of Rule 37A of CCS (Pension) Rule 1972.
- 20. Annexure R-3(b)** - True copy of the Circular NO. 269-10/89-STN dated 07.11.1989.
- 21. Annexure R-3(c)** - True copy of the Letter No. 269-4/98-STN-II dated 12.02.1999.
- 22. Annexure R-3(d)** - True copy of the DOT order dated 20.10.2006.

23. **Annexure R-3(e)** - True copy of the order dated 30.01.2002.
24. **Annexure R-3(f)** - True copy of the order dated 04.05.2007.
25. **Annexure R-3(g)** - True copy of the order BSNL dated 10.05.2007.
26. **Annexure R-3(h)** - True copy of the judgment in WP(C) 28602/2011.

List of Annexures in O.A No.180/00397/2019

1. **Annexure A-1** - A True copy of the order No.27-1/Dir(Esst)/DOT/KRL/2009/160 dated 29.04.2019 issued by the 4th respondent.
2. **Annexure A-2** - A True copy of the letter dated 30.06.1988 issued by the Assistant Engineer, Cross-Bar I, Thrissur.
3. **Annexure A-3** - A True copy of the letter dated 23.09.1988 issued by the Assistant Engineer, Cross-Bar I, Thrissur.
4. **Annexure A-4** - A True copy of the order dated 29.09.2000 issued for the 1st respondent.
5. **Annexure A-5** - A True copy of memo No. E-9/2001-02/Coll-IV/158 dated 25.04.2001 issued by the Sub Divisional Engineer, Trunks&Telex.
6. **Annexure A-6** - A True copy of the pay fixation memo No. E-225/17-00-01/7 dated 24.07.2001 issued by the Accounts Officer (Estt), O/o GMT, Telecom District, Thrissur.
7. **Annexure A-7** - A true copy of Order No. 27/1/KRL/Thrissur/1941/2002 dated 15.02.2002 issued for the 4th respondent.

8. **Annexure A-8** - A True copy of the order No. PPV/E-2/2002-2003/Confirmation/1 dated 18.12.2002 issued by the Sub Divisional Engineer, Perimpilavu.
9. **Annexure A-9** - A true copy of the salary slip of the applicant for the month of May, 2001.
10. **Annexure A-10** - A true copy of order No. Rectt/77-7/2008 dated 04.08.2010 issued for the 3rd respondent.
11. **Annexure A-11** - A true copy of the order No. STA 231-03/10-11/70 dated 25.03.2001 issued for the 5th respondent.
12. **Annexure A-12** - A true copy of the salary slip of the applicant for the month of July, 2011.
13. **Annexure A-13** - A true copy of the salary slip of the applicant for the month of May, 2019.
14. **Annexure A-14** - A true copy of the final order dated 11.12.2012 in O.A.289/2012 on the files of this Hon'ble Tribunal.
15. **Annexure A-15** - A true copy of the final order dated 08.06.2016 in O.A.493/2013 on the files of this Hon'ble Tribunal.
16. **Annexure A-16** - A true copy of the final order dated 30.06.2017 in O.A.409/2015 on the files of this Hon'ble Tribunal.
17. **Annexure A-17** - A true copy of the judgment dated 17.11.2016 in OP(CAT) 295/2016 on the file of the Hon'ble High Court of Kerala.
18. **Annexure A-18** - A true copy of the order No.27-1/KRL/Thrissur/1940/2002 dated 15.02.2002 issued by the 4th respondent.
19. **Annexure A-19** - A true copy of the relevant portion of the pension payment order of Smt.C.K.Vijayalakshmi.

20. **Annexure A-20** - A true copy of the disability certificate of the applicant's daughter.
21. **Annexure A-21** - A true copy of the judgment dated 12.11.2019 on O.P.(CAT) No. 63 of 2017 on the files of the Hon'ble High Court of Kerala.
22. **Annexure A-22** - A true copy of the discharge summary dated 29.05.20219 issued by the Amala Institute of Medical Sciences, Thrissur.
23. **Annexure A-23** - A true copy of the death report dated 15.07.2023 issued by the Amala Institute of Medical Sciences, Thrissur.
24. **Annexure A-24** - A True copy of the death certificate dated 05.12.2023 issued by the Registrar of Births and Deaths, Adat Grama Panchayat.
25. **Annexure R-1(a)** - True copy of Rule 37 A of CCS (Pension) Rule 1972.
26. **Annexure R-1(b)** - True copy of the TSM Scheme, 1989.
27. **Annexure R-1(c)** - True copy of the DOT's Letter No.269-4/98-STN.II order dated 12.02.1999.
28. **Annexure R-1(d)** - True copy of the Letter No.27-2/2006-SNG dated 20.10.2006.
29. **Annexure R-1(e)** - True copy of the judgment in WP No. 28602/2011 by the Hon'ble High Court of Karnataka.
30. **Annexure R-3(a)** - True copy of Rule 37A of CCS (Pension) Rule 1972.
31. **Annexure R-3(b)** - A copy of the above scheme brought out as per Government of India Department of Telecommunications circular No. 269-10/89-STN dated 07.11.1989.
32. **Annexure R-3(c)** - A copy of the said letter dated 12.02.1999.

33. **Annexure R-3(d)** - A copy of the DOT order dated 20.10.2006.
34. **Annexure R-3(e)** - A copy of the order dated 24.11.2000.
35. **Annexure R-3(f)** - A copy of the said order dated 30.01.2002.
36. **Annexure R3(g)** - A copy of the above order dated 04.05.2007.
37. **Annexure R3(h)** - A copy of the said order of BSNL dated 10.05.2007.
38. **Annexure R3(i)** - A copy of the judgment in WPC 28602/2011.

List of Annexures in O.A No. 180/00415/2019

1. **Annexure A-1** - True copy of order of appointment dated 19.03.2001 issued to the 1st applicant.
2. **Annexure A-2** - True copy of order of appointment dated 10.09.2001 issued in the case of Applicants 2 and 3.
3. **Annexure A-3** - True copy of order of appointment dated 23.07.2002 issued in the case of 1st Applicant.
4. **Annexure A-4** - True copy of order of appointment dated 23.07.2002 issued in the case of 2nd Applicant.
5. **Annexure A-5** - True copy of order of appointment dated 23.07.2002 issued in the case of 3rd Applicant.
6. **Annexure A-6** - True copy of order dated 29.04.2019 issued to the 1st applicant.
7. **Annexure A-7** - True copy of order dated 29.04.2019 issued to the 2nd applicant.
8. **Annexure A-8** - True copy of order dated 29.04.2019 issued to the 3rd applicant.

9. **Annexure A-9** - True copy of order dated 30.04.2019 issued by the 4th respondent.
10. **Annexure R-1** - True copy of the judgment in WP No. 28602/2011 by the Hon'ble High Court of Karnataka.
11. **Annexure R-4(a)** - A copy of Rule 37A of CCS (Pension) Rules 1972 by the Government of India, Department of P & PW No. 4/61/99-P&PW(D).
12. **Annexure R-4(b)** - A true copy of the above scheme brought out as per Government of India Department of Telecommunications circular No. 269-10/89-STN dated 07.11.1989.
13. **Annexure R-4(c)** - A true copy of the DOT order 27.02.2006-SNC dated 20.10.2006.
14. **Annexure R-4 (d)** - A true copy of the said order dated 30.01.2002.

List of Annexures in O.A.No.180/00469/2019

1. **Annexure A-1** - True copy of order dated 04.04.2001 issued by the Assistant General manager (Admn), Office of GM, Kottayam.
2. **Annexure A-2** - True copy of order dated 06.03.2002 issued by the 2nd respondent.
3. **Annexure A-3** - True copy of order dated 29.04.2019 issued to the applicant by the 2nd respondent.
4. **Annexure A-4** - True copy of letter dated 30.04.2019 issued by the 4th respondent.
5. **Annexure R-1(a)** - True copy of Rule 37A of CCS (Pension) Rule 1972.
6. **Annexure R-1(b)** - True copy of the TSM Scheme, 1989.

7. **Annexure R-1(c)** - True copy of the DOT's letter No. 269-4/98-STN. II dated 12.02.1999.
8. **Annexure R-1(d)** - True copy of DOT letter No. 269-94/98- STN-II dated 29.09.2000.
9. **Annexure R-1(e)** - True copy of the letter No. 272/2006-SNG dated 20.10.2006.
10. **Annexure R-1(f)** - True copy of Judgment in WP No.28602/2011 by the Hon'ble High Court of Karnataka.

List of Annexures in O.A.No.180/00124/2019

1. **Annexure A-1** - True copy of the order bearing No. SAT-2001/56 dated 05.07.2000.
2. **Annexure A-2** - True copy of the intimation given to the application bearing No. SAT-2001/89 dated 11.09.2000.
3. **Annexure A-3** - True copy of the order bearing Memo No. SQS-0138/22 dated 18.07.2001.
4. **Annexure A-4** - True copy of the document bearing No. SAT-2001/66 dated 27.07.2000.
5. **Annexure A-5** - True copy of the option exercises by the applicant.
6. **Annexure A-6** - True copy of order bearing No. 27-1/KRL/Kozhikode/1395/2001 04.04.2002.
7. **Annexure A-7** - True copy of the office Memorandum dated 31.03.1992 issued by the Government of India, Department of Personal and Training.
8. **Annexure A-8** - True copy of the office Memorandum bearing No. 38/58/06-P&PW (A) dated 05.03.2008.

9. **Annexure A-9** - True copy of the relevant pages of 1st page of Service Book of the applicant.
10. **Annexure A-9(a)** - True copy of the relevant 2nd page of Service Book of the applicant.
11. **Annexure A-10** - True copy of the order bearing No.27-1/Dir(Estt)/DOT/KRL/2009/145 dated 07.11.2017.
12. **Annexure A-11** - True copy of the pay slip of the applicant.
13. **Annexure A-12** - True copy of the representation submitted by the applicant before the 3rd respondent dated 05.02.2019.
14. **Annexure A-13** - True copy of the letter bearing No. APD/2016-18 dated 14.02.2019.
15. **Annexure A-14** - True copy of the order bearing No.10(4)/2006/CEET/TVM/1658 dated 17.10.2006 of 30 persons list.
16. **Annexure A-15** - True copy of the order bearing No.1/KRL/CE Electrical/67/2003 dated 17.11.2003.
17. **Annexure A-16** - True copy of Mr.Ananda Kumar Singh's Pay slip.
18. **Annexure R-1(a)** - True copy of the order passes in OA No.504/2013 dated 21.07.2016
19. **Annexure R-1(b)** - The copy of order in O.A No.96/2018 dated 09.11.2018 of CAT Patna Bench.
20. **Annexure R-1(c)** - A copy of Rule 37A of CCS (Pension) Rule 1972.
21. **Annexure R-1(d)** - Letter No. 27-1/2001- SNG (Pt.II) dated 30.01.2002.
22. **Annexure R-4(a)** - True copy of the order in O.A No.504/13 dated 21.07.2016.

23. **Annexure R-4(b)** - True copy of the order in OA 96/18 of CAT Patna dated 09.11.2018.
24. **Annexure R-4(c)** - True copy of the Rule 37 A of CCS (Pension) Rule 1972.
25. **Annexure R-4(d)** - True copy of the appointment order dated 18.07.2001.
26. **Annexure R-4(e)** - True copy of the OM No.27-2/2006-NSG dated 21.10.2006.
27. **Annexure R-4(f)** - True copy of the Letter No. 27-1/2001-SNG(Pt.II) dated 30.01.2002.
28. **Annexure R-4(g)** - True copy of the Letter No. BSNL/4/SR/2002 Vol.III dated 04.05.2007.
29. **Annexure R-4(h)** - True copy of the letter No. 21-44/2009-Elect (Pt) dated 27.10.2014.
30. **Annexure R-4(i)** - True copy of the letter dated 19.04.2017 issued by Under Secretary to the Govt. of India.

List of Annexures in O.A No.180/00105/2019

1. **Annexure A-1** - True copy of order dated 14.11.2000 issued by the Sub Divisional Engineer.
2. **Annexure A-2** - True copy of communication dated 13.04.2003 issued by the 1st respondent.
3. **Annexure A-3** - True copy of letter dated 10.05.2007 issued by the 1st respondent.
4. **Annexure A-4** - True copy of order dated 27.09.2011 in O.A No.851/2009.

5. **Annexure A-5** - True copy of order dated 16.12.2011 passed by the 2nd respondent.
6. **Annexure A-6** - True copy of reply dated 05.11.2018 received under the RTI Act.
7. **Annexure A-7** - True copy of order dated 25.07.2002 issued by the Director (Estt) DOT.
8. **Annexure A-8** - True copy of representation dated 15.10.2018 submitted by the applicant before the 1st respondent.
9. **Annexure A-9** - A true copy of the option submitted by the applicant.
10. **Annexure A-10** - True copy of the judgment dated 13.11.2019 in OP(CAT) No. 63 of 2017 of the Hon'ble High Court of Kerala.
11. **Annexure A-11** - True copy of Office Memorandum dated 17.02.2020.
12. **Annexure R-2(a)** - A copy of BSNL corporate office letter dated 05.03.2001.
13. **Annexure R-2(b)** - A copy of BSNL corporate office order dated 04.05.2007.
14. **Annexure R-2(c)** - A true copy of the cancellation order dated 29.04.2019 issued to Sri. V.P Jackson.

List of Annexures in O.A.No.180/00900/2019

1. **Annexure A-1** - A true copy of order No. 27-1/Dir (Estt)/DOT/KRL/2009/170 dated 29.04.2019 issued by 2nd respondent.
2. **Annexure A-2** - A true copy of order no. Rectt/9-18/2000 dated 16.08.2000 issued by the 3rd respondent.

3. **Annexure A-3** - True copy of the order no. Q-6512/4 dated 29.09.2000 issued by the General Manager, Telecom District, Thrissur.
4. **Annexure A-4** - True copy of the order No. Q-6512/7 dated 21.03.2001 issued by the Sub Divisional Engineer (Staff), O/o. General Manager, Telecom District, Thrissur.
5. **Annexure A-5** - A true copy of the order No.27-1/KRL/Thrissur/972/2002 dated 19.01.2002 issued by the Director (Estt-Kerala), Department of Telecom.
6. **Annexure A-6** - A true copy of order No. STA/225-8/2001/37 dated 12.11.2002 issued by the Sub Divisional Engineer (Staff), O/o. General Manager, Telecom District, Thrissur.
7. **Annexure A-7** - A true copy of the Circular No. BSNL/4/SR/2002 Vol. III dated 04.05.2007 issued by the 1st respondent.
8. **Annexure A-8** - True copy of clarification letter No.500-85/2002/CAT/BSNL dated 16.01.2003 issued by 1st respondent.
9. **Annexure A-9** - A True copy of the judgment dated 22.01.2010 of Central Administrative Tribunal, Chandigarh Bench in (TA No. 35-PB/2009) C.W.P No.18202 of 2008.
10. **Annexure A-10** - True copy of the judgment dated 19.08.2010 in C.W.P No.14802-CAT of 2010 of the Hon'ble High Court of Punjab and Haryana at Chandigarh.
11. **Annexure A-11** - True copy of the Judgments dated 26.07.2023 in civil appeal No. 1971/2012 with civil Appeal No. 1972/2012 and in Civil Appeal No. 1973/2012 of Hon'ble Supreme Court of India.
12. **Annexure R-3(a)** - A copy of Rule 37A of CCS (Pension) Rules 1972.
13. **Annexure R-3(b)** - True copy of the above scheme brought out as per Government of India Department of Telecommunications circular No. 269-10/89-STN dated 07.11.1989.

14. **Annexure R-3(c)** - True copy of the DOT order dated 20.10.2006.
 15. **Annexure R-3(d)** - A true copy of the letter dated 04.09.2000.
 16. **Annexure R-3(e)** - A true copy of the letter dated 26.09.2000 submitted by the applicant.
 17. **Annexure R3 (f)** - A true copy of the joining report dated 03.10.2000 submitted by the applicant.
 18. **Annexure R-3(g)** - True copy of the order dated 03.03.2003.
 19. **Annexure R-3(h)** - True copy of the order dated 05.03.2003.
 20. **Annexure R-3(i)** - A true copy of the letter dated 17.03.2002.
 21. **Annexure R-3(j)** - True copy of the order No. 03-35/2023-SNG dated 22.02.2024 issued by DOT.
 22. **Annexure R-3(k)** - A true copy of the letter No.BSNLCO-SR/13(12)/1/2021-SR dated 05.03.2024.
 23. **Annexure R-3(l)** - True copy of the BSNLCO letter No.269-5/2005- Pers-IV dated 10.04.2006.
 24. **Annexure R-3(m)** - True copy of BSNLCO letter No. BSNL/4/SR/2002 Vol. III dated 04.05.2007.
 25. **Annexure R-3(n)** - True copy of the BSNLCO letter No.500-85/CA II/BSNL/EPF/Vol. III dated 10.05.2007.
 26. **Annexure R-3(o)** - True copy of the BSNLCO letter No.500-85/CA II/BSNL/EPF/Vol. III dated 25.05.2007.
 27. **Annexure R-3(p)** - True copy of the BSNLCO letter No.500-85/CA II/BSNL/EPF/Vol. III dated 21.06.2007.
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