

## **Annexure-A**

### **Subject: Brief Note on extending one-time option for coverage under the CCS (Pension) Rules to Executives/Employees who are recruited as per DoT Notification.**

- The Department of Telecommunications (DoT), Govt. of India, through a notification issued in the year 2000 recruited officials in the cadre of Telecom Technical Assistants (TTA) to meet the immediate needs to cater to the latest technologies.
- These advertisements were published in the year 2000 and advertised by the Department of Telecommunications/ Department of Telecom Services and Department of Telecom Operations.
- The said posts and recruitment were classified under the TTA Recruitment Rules 1998 (amended in 1999) as General Central Services; Group-C, Non-Gazetted, Non-Ministerial and the last date for applying for the same was much before formation of BSNL.
- The eligible applicants from various Circles applied for the said classified posts as they fulfilled the advertised requirements and the applicants who were successful in the selection process were sent for training before appointment. During this period due to the conversion of DoT/DTS to BSNL all the selected candidates were compelled to joined BSNL without any option to join the DoT, although they were selected and appointed against the posts/vacancies advertised/notified for recruitment by the DoT.
- None of them were either informed about the formation of BSNL from DoT and they had applied only for the posts/vacancies advertised/ notified for recruitment by the DoT but under compulsions they were posted to BSNL (A Govt of India Enterprise).
- It is also worth noting that some of these employees were allowed to deposit their contributions in the GPF for years together which was later converted to EPF contribution.
- As such, the officials who are selected against posts/vacancies advertised/notified for recruitment by the DoT, should be considered under CCS (Pension) Rules 1972 for grant of all the associated service benefits. The officials who were recruited as Telecom Technical Assistant

through the notification issued by the DoT, Govt. of India are now working as SDE/AO/JTO/JAO etc throughout India.

- The DoP & PW has issued clarifications vide OM No. 57/05/2021-P&PW (B) dated 3rd March 2023, (Copy attached) in which under Point No 4 it is clearly stated that the Central Government employees appointed against a post or vacancy which was advertised/notified for recruitment/appointment, prior to date of notification for National Pension System i.e. 22.12.2003 but who joined later may be given a one-time option to be covered under CCS (Pension) Rules, 1972.
- There are about 2000 Executives and Non-Executives in BSNL who fulfil this criterion fixed by Pension Department as they were appointed against a post or vacancy which was advertised/notified for recruitment/appointment by the DoT, Government of India prior to the date of notification for NPS, and are equally eligible for Old Pension benefits.
- The Hon'ble High Court of Kerala in the case of Abdul Rasheed and others v/s Union of India and Others held that "The conversion of a Government Department into a PSU(BSNL) does not disable the persons recruited prior to the actual date of conversion from being considered as Government employees for the reason of their appointment being after the new PSU (BSNL) came into existence.
- As such, the DoP&PW OM dated 03.03.2023 is indeed applicable to these BSNL employees who are eligible for pensionary benefits under CCS Pension Rule 1972.

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