

Bharat Sanchar Nigam Limited

Office of the Chief General Manager,
Punjab Telecom Circle, Chandigarh

No: Staff/E-190/Legal Notice/30
Dated at CH. the 03-07-2017

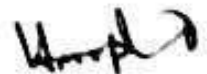
Speaking Order

In pursuance to the judgement order dated 17.4.2017 rendered in the O.A NO. 969/00384/2017 in the matter of Amreesh Sharma and Others Versus UOI and Other, this speaking order jointly seeks to dispose off the Representations dated 28.7.2016 and 22.8.2016 of Sh. Surinder Kumar and legal notice dated 30.11.2016 of Sh. Vivek Arora Advocate representing total of 278 officials working on various posts like TTA/JE/JTO/JAO in various SSAs/Units.

The common issue which constitutes the subject matter of the representations and legal notice above referred is seeking change of recruitment status by the applicant/applicants from BSNL Recruited Employees to Department of Telecommunication Recruited employees.

The brief facts of the case are that the applicant/Applicants referred to in above representation and legal notice respectively applied for the post of Telecom Technical Assistant(In short TTA now re-designated as Junior Engineer) against the advertisement dated 22.7.2000. In the meanwhile service provision functions of Department of Telecommunication were corporatized by way of corporatization of Bharat Sanchar Nigam Limited (In short BSNL) w.e.f. 1.10.2000. All the assets /liabilities of Department of Telecommunication in this regard alongwith establishment were transferred to newly formed company namely BSNL. The employees recruited by Department of Telecommunication and who joined before 1.10.2000 i.e date of formation of BSNL are called DoT recruited employees who were transferred enmasse in BSNL and later on absorbed therein by calling the option for absorption in BSNL. Furthermore even the transferred DoT employees who did not exercise the option of absorption as BSNL employee have been transferred back to the DoT.

The recruitment process of the above applicant/applicants was not carried out and completed by Department of Telecommunication rather it was carried out and completed by BSNL after its formation on 1.10.2000 culminating in appointment of above applicant/applicants to the post of TTA in BSNL. The examination in question was conducted on 18th-19th November 2000; result declared in the month of January 2001; training conducted w.e.f 05.08.2002 to 11.10.2002 and appointment orders issued on 18.10.2002 which shows that the whole recruitment process i.e. declaration



contd f.

of result, Pre-Appointment formalities and induction training etc. had been carried out and completed by BSNL. Moreover, these candidates had also entered into Bond Agreement of Service with BSNL before accepting the offer of appointment which was also issued by the BSNL and duly accepted by the said candidates. The conscious and unconditional entry of above applicants in service bond agreement with BSNL, bears testimony to their acceptance of their appointment to the post of TTA in BSNL. It has already been clarified vide letter dated 06.05.2008 of BSNL Corporate Office, New Delhi that the employees whose appointment orders are issued by BSNL will be treated as BSNL employees.

After their appointment in BSNL, the candidates have accepted the promotions and also enjoyed upon all the financial benefits of BSNL employees viz. financial up gradation/Perks and Allowances/Medical Facilities etc. and never challenged the appointment in BSNL. Now, agitating the appointment at this stage in BSNL after 17 years is highly time barred, having conscious acceptance of appointment in BSNL and enjoyed its promotion and other benefits.

Given aforesaid, the contention of the applicants in the above representations and legal notice is devoid of any merit and same stands dismissed as such.

 2/7/2017
Assistant General Manager (R&E)

Copy to:

Sh. Surinder Kumar, JTO (HRMS No. 200201888), O/o GMTD, BSNL, Ferozepur.