

Government of India
Department of Telecommunications
BSNL, Telangana Telecom Circle

No. TSCO-11/17/2/2025-HR AND ADMIN

Dated 27.10.2025

ORDER

Whereas, Shri. **G Mallikarjuna Rao**, HRMS No. 200100651, the then casual worker, without having temporary status as on 30.09.2000, was transferred to BSNL upon corporatization of erstwhile DTS/DTO (Department of Telecom Services and Department of Telecom Operations) w.e.f 01.10.2000.

And, where Shri. **G Mallikarjuna Rao**, HRMS No. 200100651 was appointed as Regular Mazdoor w.e.f. 05-10-2001 vide O/o GMTD, Sangareddy Ltr. No. A-41/PT/SGD/2K1-02/35 Dated 21.11.2001

And whereas, the Order of absorption in terms of Rule 37A of CCS (Pension) Rules was issued in favour of employee vide Presidential Order Lr. No. 27-1/AP/Medak/581/2001, Dated 17.01.2002 erroneously by considering him Government employee transferred on deemed deputation to BSNL.

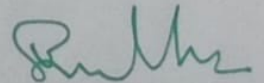
However, Rule 37A of CCS (Pension) Rules, notified on 30.09.2000 by Government of India, which deals with payment of pension from Central civil estimates in respect of BSNL absorbed employees, does not cover Casual worker transferred to BSNL/PSU. As per clarifications issued in context of absorption, it has been clarified by the Department of Telecommunications that all the employees appointed by BSNL on or after 01.10.2000 are BSNL appointee. Accordingly, casual workers upon their regularizations in BSNL were BSNL appointee thereby not entitled for pension in terms of Rule 37A of CCS (Pension) Rules. They were never a Government servant of Department of Telecom transferred to BSNL.

And whereas, Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 1989 of Telecom Department pronounced on 07.11.1989, which was one time scheme and cover the casual workers for temporary status in terms of Para 5 of the Scheme, who were engaged on the date of pronouncement of the Scheme i.e 07.11.1989. The Hon'ble Apex Court in catena of judgements has held that such schemes of various Departments including Telecom Department for conferment of temporary status, were one time measure only for casual workers, who were in service on the date of the commencement of the Scheme and fulfilling the conditions of continuity of engagement 240/206* days in a year (*206 for five days working pattern office) either on the date of commencement of scheme or later. Accordingly, various eligible casual workers who fulfilled other conditions of continuity were granted temporary status by the Government of India (erstwhile Circles of DTS/DTO) from time to time. As per para 6 of the Scheme, various benefits upon grant of temporary status, were extended to casual workers which include GPF entitlement, leave entitlement, minimum pay scale of Group D, increment etc and special feature of counting of 50% TSM service for pension in terms of Pension Rules upon regularization. Impending corporatization of DTS/DTO, Department of Telecom Services vide letter dated 29.09.2000 issued instructions prescribing methodology of regularization of full time casual workers in BSNL w.e.f 01.10.2000, which cover the left out Casual workers including those who were granted temporary status by the erstwhile DTS/DTO.

And whereas, the Government of India, vide OM dated 20.10.2006, which was issued in supersession to earlier instructions, specifically gave coverage of Pension Rules to the Casual worker with Temporary status as on 30.09.2000 only, who were regularized in BSNL in terms of DTS letter dated 29.09.2000 so that afore-said benefits guaranteed under Scheme of 1989, may be extended/continued upon their regularization. Other casual workers, who were regularized in BSNL on or after 01.10.2000, it was again clarified that their status would be of BSNL appointee. The employees covered by Rule 37A of CCS (Pension) Rules or Scheme of 1989, are only entitled for GPF and pension in terms of Central Government Pension Rules.

Therefore, on careful and due assessment of facts and service records of Shri **G Mallikarjuna Rao**, HRMS No. 200100651 including comments of Ministry of Communications/ DoT Hqrs on afore-said policy/ scheme, it has been found that the benefits of absorption in terms of 37A of CCS (Pension) Rules, have been erroneously extended to him through an administrative order, which has overlooked afore-said statutory provisions including important features of TSM Scheme, 1989. Accordingly, the order of absorption issued in terms of Rule 37A of CCS (Pension) Rules is declared ab initio void and non est and would not have legal effect for any purpose.

The receipt of order may be acknowledged by Shri **G Mallikarjuna Rao**, HRMS No. 200100651 and shall be placed in his service records.



(V. SRIDHAR)

Director (Estt.) & PGM (AREA-II) HYD BA
Telangana Telecom Circle

Shri G Mallikarjuna Rao,
Asst. Telecom Technician,
Medak