

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

WEDNESDAY, THE 13TH DAY OF NOVEMBER 2019 / 22ND KARTHIKA, 1941

OP (CAT).No.63 OF 2017(Z)

AGAINST THE ORDER/JUDGMENT IN OA 504/2013 OF CENTRAL  
ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

PETITIONERS:

- 1        ABDUL RASHEED .A.A.  
          S/O LATE SADAK ABDULLA, AGED 34 YEARS,WORKING AS  
          JUNIOR ENGINEER O/O SDE OFC,OCB EXCHANAGE, TIRIR,  
          RESIDING AT ACHIPRA HOUSE,VALLIKARRIRAM, NIRAMARUTHUR  
          PO, TIRUR.676109.
  
- 2        ANWAR ALI P  
          S/O LATE KHALID P, AGED 37 YEARS,WORKING AS SR. TOA,  
          O/O GMT, BSNL, MARKETING (DVSN)UP HILL MALAPPURAM,  
          RESIDING AT PUTHIYAKATH HOUSE,CHAKKALAKUTH, GANDHI  
          NAGAR (84), NILAMBUR-679329,MALAPPURAM DISTRICT.
  
- 3        PRASOBH J NAIR  
          S/O LATE E. JANARDHANAN NAIR, WORKING AS SR.TOA, O/O  
          TELECOM CIVIL DIVISION,BSNL, CO-AXIAL STAFF QUARTERS,  
          EAST HILL,BSNL, CALICUT-673005, RESIDING AT  
          PRABHATHAM,PATTELTHAZHAM, P.O POKKUNNU,MAVKAVE,  
          CALICUT.673007.
  
- 4        SUDHEER T  
          S/O LATE BALAN T, AGED 42 YEARS,WORKING AS SR.TOA  
          (G), O/O GMT,BSNL, MALAPPURAM, RESIDING AT  
          SREERAGAM,PIDAKKOLIPARAMBU, EDAKKAD PO,KOZHIKODE-  
          673005.
  
- 5        VIJAYAMMA K.J.  
          D/O LATE NARAYANA KURUP, AGED 55 YEARS,WORKING AS  
          SER. TOA(G), CSC, CTO BUILDING,ALAPPUZHA-688001,  
          RESIDING AT KURIKKAVEEDU,MARARIKKULAM NORTH PO,  
          ALAPPUZHA.

- 6 VALSAMMA MATHEW  
D/O VARGHESE PV, AGED 50YEARS,WORKING AS  
SR.TOA(G) , CSC, THYCATTUSSERY,POOCHAKKAL PO,  
CHERTHALA, ALAPPUZHA.688528,RESIDING AT  
SIHYALAYAM (PALLIPARAMBIL)PALLIPPURAM PO,  
CHERTHALA, ALAPPUZHA.688541.
- 7 SIVAPRASAD S  
S/O LATE P. SREEKUMARAN NAIR,AGED 33 YEARS,  
WORKING AS SR.TOA, O/O GMTD,BSNL BHAVAN,  
VELLAYITTAMBALAM, KOLLAM,RESIDING AT  
SREESHYLAM, KANJIRAMALA, PPM PO,PIN  
CODE.691332.
- 8 SASIKALA P  
W/O LATE SARATHCHANDRA BABU, AGED 47  
YEARS,WORKING AS SR. TOA, O/O GMT, BSNL  
BHAVAN,VELLAYITTAMBALAM, KOLLAM, RESIDING AT  
SREESHYLAM,THEKUMBHAGAM, CHAVARA SOUTH PO.
- 9 RAJNEESH S  
S/O LATE N. SIVARAJAN, AGED 31 YEARS,WORKING AS  
JAO, O/O GMT, BSNL BHAVAN,THIRUVALLA, RESIDING  
AT CHARUVILA PUTHEN VEEDU,PALACHEY PO, PUNALUR,  
KOLLAM-691331.
- BY ADVS.  
SRI.M.R.HARIRAJ  
SMT.G.BINDU  
SRI.P.A.KUMARAN  
SMT.PRIYADA R MENON  
SRI.K.RAJAGOPAL

RESPONDENTS:

- 1 UNION OF INDIA  
REPRESENTED BY THE SECRETARY TO GOVT.OF  
INDIA,MINISTRY OF COMMUNICATIONS, NEW  
DELHI.PIN.110001.
- 2 BHARATH SANCHAR NIGAM LTD  
REPRESENTED BY CHAIRMAN & MANAGING DIRECTOR,  
SANCHAR BHAVAN, NEW DELHI.110001.

- 3 THE CHIEF GENERAL MANAGER  
BHARATH SANCHAR NIGAM LTD, KERALA CIRCLE,  
THIRUVANANTHAPURAM. 695033.
  - 4 THE PRINCIPAL GENERAL MANAGER  
BHARATH SANCHAR NIGAM LTD, KOZHIKODE SSA,  
KOZHIKODE. 673001.
  - 5 THE GENERAL MANAGER  
BHARATH SANCHAR NIGAM LTD, ALAPPUZHA SSA,  
ALAPPUZHA-688001.
  - 6 THE GENERAL MANAGER  
BHARATH SANCHAR NIGAM LTD, KOLLAM SSA, KOLLAM.  
691001.
  - 7 THE GENERAL MANAGER  
BHARATH SANCHAR NIGAM LTD, MALAPPURAM SSA,  
MALAPPURAM. 676505.
  - 8 THE GENERAL MANAGER  
BHARATH SANCHAR NIGAM LTD, THIRUVALLA SSA,  
THIRUVALLA.
- R1 BY ASSISTANT SOLICITOR GENERAL  
R1-2 BY SRI. JOHNSON GOMEZ, SC, BHARAT SANCHAR  
NIGAM LTD.  
R1 BY SRI.T.V.VINU, CGC

THIS OP (CAT) HAVING BEEN FINALLY HEARD ON 13-11-2019,  
THE COURT ON 13-11-2019 DELIVERED THE FOLLOWING:

CR

JUDGMENT

Dated, this the 12<sup>th</sup> day of November, 2019

Vinod Chandran, J.

Conversion of a Government Department into a public sector undertaking, whether would disable the persons recruited prior to the actual date of conversion from being considered as Government employees for reason of their appointment being after the new undertaking came into existence; is the question arising in the above case.

2. The Tribunal before whom the petitioners had first agitated the cause found against them. It was held that the Bharath Sanchar Nigam Limited (hereinafter for brevity 'BSNL') and Department of Telecom (hereinafter for brevity 'DoT') having interpreted the terms and conditions of creation of BSNL, absorption of staff etc there can be no reliance placed on the Presidential

orders which conferred such status to Government employees, on the petitioners. The Tribunal found that though they were recruited during the threshold of the conversion, they cannot be treated as DoT employees. Their appointment on completion of formalities and training was made after BSNL had come into existence. The applicants were found to be liable to concede to the position taken by the BSNL, in the matter of their status as government employees; which stood dis-allowed.

3. The learned Counsel for the petitioner Sri.M.R. Hariraj took us through the various documents which indicate that all of the applicants/petitioners were appointed under the compassionate scheme of appointment. They were issued with temporary appointment orders by DoT, subject only to their completion of training, for which they were deputed, also by DoT. While they

were undergoing training, the conversion is said to have materialised on 01.10.2000. They completed the training and reported for duty with the new entity; the DoT having already been converted as BSNL. They were appointed under the BSNL just a few days after the crucial date of 01.10.2000. Only two of the petitioners were appointed after two months since their training commenced a little later. While they were so continuing, they were asked to exercise an option which is applicable to all the employees who were deputed from the DoT to the BSNL, as to whether they wish to continue in BSNL or seek repatriation back to DoT. All the petitioners exercised their option to continue in the BSNL based on which Presidential orders were issued allowing them to be continued in the BSNL. However, later these Presidential orders were interfered with by the Assistant General Manager of the BSNL which are produced as Annexure A9 and

impugned in the original petition.

4. It is submitted that the applicants though only deputed for training were regularly recruited under the scheme and but for the unfortunate circumstance of the conversion to BSNL having intervened on 01.10.2000 they would have been treated as Central Government Employees. Other employees of the DoT, prior to the formation of BSNL, who were deputed and exercised options to be continued in the BSNL, when absorbed, their right to pension and their membership in the General Provident Fund were protected. The petitioners are also entitled to such protection but however, the same has been declined by cancellation of the Presidential orders which is challenged as without jurisdiction and issued in violation of the principles of natural justice.

5. The learned Standing Counsel appearing for the BSNL Sri Johnson Gomez would at the outset

take us through Ext.R2(c) series of documents produced in the Original Petition which according to him is issued in cancellation of the Presidential orders by the Government of India itself. Rule 37-A of the Central Civil Services (Pension) Rules, 1972 (for brevity "CCS Pension Rules") relied on by the petitioner is specifically read out to point out that in the case of petitioners there was no transfer as contemplated in sub-rule(1) nor do the petitioners enjoy the status of a Government Servant as on the previous day of 01.10.2009. The recruitment rules produced as Annexure R2(c) along with reply statement before the Tribunal is specifically referred, to contend that the training is before appointment and the rules specifically speak of an appointment after the training is successfully completed. The appointment of the petitioners having occurred only after conclusion of the

training, which is after 01.10.2000, they can only be deemed to be appointed to the BSNL. No status accrues to them of government servants transferred from the DoT To BSNL. Reference is also made to Ext.P2, Offer of Temporary Appointment, issued by DoT to further canvass the position that the petitioners were never appointed under the DoT. An Office Memorandum referred to by the Jaipur Bench of the Central Administrative Tribunal, in the order produced as Annexure A17, is pointed out to contend that in a similar situation, the Government had come out with a specific scheme by which the persons who were send for training were deemed to be appointed to the Government prior to 01.01.2004. A similar decision having not been taken in the case of the petitioners, they cannot claim the status of a government servant, asserts the learned Standing Counsel.

6. The learned Counsel for the petitioners

in reply pointed out that the order of the Jaipur Bench of the Tribunal produced as Annexure A17 relied on the Memorandum pointed out by the learned Standing Counsel to allow a similar claim. The said judgment was unsuccessfully challenged before the High Court of Rajasthan. The learned Standing Counsel for BSNL and the learned Central Government Standing Counsel informs us that the same has been stayed by the Hon'ble Supreme Court. Hence we will not look into the judgment of the Rajasthan High Court which in any event has only a persuasive effect on us. The OM protected persons who were recruited and send for induction training to the benefits due under the old pension rules which stood altered from 01.01.2004; after which date they were actually appointed. We cannot but observe that identical was their position with the petitioners here, with only the intervening circumstance being different. We'll not rely on

that O.M alone because as pointed out, there is no identical protection specifically ordered in this case.

7. The admitted facts are that the petitioners were recruited under a compassionate scheme of appointment, for reason of they being dependents of employees of DoT who died in harness. The date of commencement of training with respect to petitioners 1 to 3, 5, 6 and 8 to 10 are similar, ie: 10.07.2000 and they joined BSNL on 10.10.2000. The petitioners 4 and 7 were deputed for training on 18.09.2000 and they joined in the BSNL on 18.12.2000. The training was for a period of three months. Annexure A1 series of documents are the communications issued to the petitioners offering them employment in relaxation of normal recruitment rules, on compassionate grounds. These also speak of verification of certificates of qualifications and request the

petitioners to wait for further communication. After verification of such documents and certificates and also finding them to be eligible for appointment Annexure A2 series of communications were issued offering them temporary appointment and directing them to report for training. The regular appointment could only be after successful completion of training. All the petitioners completed the training successfully. However, by the time they completed the training and reverted to the employer, the BSNL came into existence and all of them joined as per Annexure A6 series of orders. Pertinent is the fact that only some of the activities of the DoT got converted and vested with the BSNL and the DoT remained as a department of the Union of India.

8. The petitioners continued on the basis of their appointment in BSNL and later were issued with option forms for absorption in BSNL or

retention of Government Status, by repatriation. Annexure A7 series of documents are the options exercised, by which all the petitioners opted to remain in the BSNL. In accordance with that, Government of India (DoT) issued Annexure A8 orders which was under the order of President of India conveying the factum of acceptance of option and permanent absorption of the petitioners in BSNL; who were styled alternatively as permanent and temporary employees of the DoT. It is based on these orders they were continuing and it was while they were so continuing that out of the blue the petitioners were issued with Annexure A1 orders by various officers of the BSNL canceling the Presidential order. We have to immediately notice that no such cancellation could have been effected by the BSNL and the said ground has been accepted by the Official respondents insofar as the DoT, far later in the year 2017, issued Ext.R2 orders

produced in the Original Petition again canceling the Presidential Orders accepting the fact that the earlier orders were incompetent. This was also much after the order of the Tribunal was passed, the sustainability of which we will look at a little later; on all aspects and not confined to this one ground.

9. The claim as to retention of government employee status is based on the benefit available to the DoT employees who were later absorbed in the BSNL, for pension from Government of India itself. Rule 37-A of the CCS Pension Rules as pointed out by the learned Counsel for the petitioners is very relevant. Sub-rule (1) speaks of *enmasse* transfer of government servants in a Department to a Public Sector Undertaking [PSU] or autonomous body on terms of foreign service without any deputation allowance, till they get absorbed to the said undertaking, on conversion of

a Department into a PSU or an autonomous body. Sub-rule (2) and (3) speaks of an option available to a transferred government servant to revert back to the Government or seek permanent absorption in the new undertaking. As per sub-rule (4) the permanent absorption of the government servants as employees of the PSU takes effect only from the date on which their options are accepted by the Government. They cease to be government servants from the date of such acceptance and continue as employees of the PSU, but their right to pension as a government employee and the membership in the GPF remains protected.

10. Sub-rule (4) is very relevant insofar as the status of the government servant prior to the acceptance of an option exercised by such servant. As we noticed earlier, all the petitioners were deputed for training by the DoT and later when they joined for duty after

successful completion of training the BSNL had been formed. The obligation to grant them appointment under the compassionate appointment scheme was of the Government under which the DoT was a department. They were also recruited by the DoT and the training too was conducted by the DoT. The BSNL was created, by virtue of the conversion of DoT, a Department of the Government, or certain activities being vested on the PSU. BSNL discharged the obligation of the Government of India in making appointments of these petitioners, recruited earlier by DoT. The BSNL could not have taken an independent decision regarding their appointment nor was there any question of verification of their eligibility or qualifications; it was automatic, being an imperative obligation and an imprimatur of the terms of conversion. It cannot hence be said that as on the date of formation of BSNL they were not

government servants by reason of their appointments having not been made regularly.

11. We come back to the rule, to pertinently observe that sub-clause (4) of Rule 37-A makes it clear that till the option of the petitioners were accepted by the Government of India they continued as government servants. Hence on their appointment after successful training and continuance in the BSNL they retained their status of government servants. Fully recognising their status, the DoT issued them with the formats of application forms, for exercising option, either to be retained in the BSNL or to be reverted back to DoT. It is very clear that if they had exercised an option to be reverted back, they would have been taken back and accommodated in the DoT under the GoI itself; which then would have been irreversible at this distance of time. The vexing question is, if the

exercise of one option was irreversible, would the exercise of the other, be open to reversal on administrative vagaries? This impossibility of reversal of acceptance of exercise of option, further validates their claim of having government servant status even when they joined the BSNL and continued there in the very same status; prior to acceptance of the option exercised by them for retention in the BSNL.

12. We also have to take note of the arguments of the learned Standing Counsel appearing for the BSNL, with reference to the recruitment rules. The rules produced as Ext.P5 speak specifically of the training and the bond to be executed, as per Rule 7. It is the mandate of Rule 7 that direct recruits and promotees, before appointment shall undergo training for a period of three months. These recruits shall also before proceeding for training execute a bond in the form

specified in the appendix to the rules. During the period of training they are entitled to a training allowance as seen from Annexure A2 and not regular scales of pay. Annexure A2 also requires furnishing of a security of Rs.10,300/- for disbursement of training allowance. All these indicate that the DoT sent the selected candidates for training with the rigour of joining back for appointment, which appointment is only subject to the successful completion of training. The terms of appointment after completion of training are explicit in paragraph 3 of Annexure A2. Ann:A2, while making it clear that appointment is temporary and does not confer any title to permanent appointment, speaks in the same breath as to the permanent appointment being subject to availability of vacancies; which is the only impediment, if and when the recruit successfully completes the training. Paragraph 7 only speaks of

the candidates name being removed from the list of approved candidates, if the acceptance of temporary appointment is not specifically communicated. This does not reduce the status of the candidate who reports for training, to merely an approved one. On successful completion of training subject to availability of vacancies there is a mandate on the DoT to give appointment and the BSNL which took over the DoT also appointed the petitioners on completion of training; discharging their obligation as per the terms of conversion thus fulfilling the promise of appointment held out by the DoT.

13. In this context, we also refer to the Fundamental Rules (FR) as pointed out by the learned Counsel appearing for the petitioners. 'Duty' as per the definition in sub-rule 6(a)(i) of FR9 includes service as a probationer or apprentice provided such service is followed by

confirmation. Sub-rule 6(b) also enables a course of instruction or training in India to be treated as duty of a government servant. It is also pertinent that FR26 enables such period to be counted for other purposes; sub-clause (a) of which says *"All duty in a post on a time-scale counts for increments in that time-scale"*(sic). There can hence be no dispute that the service of the petitioners is deemed to have commenced from the date of joining for training for the purpose of pension and grant of increments.

14. The BSNL places heavy reliance on Annexure R2(a) series of documents, produced in the original petition, to assert that the Presidential orders have been canceled. It is reiterated that the purported cancellation is in the year 2017 when the OP was pending before this Court. The order is passed by the DoT, Government of India. It is specifically stated therein that

the impugned orders in the OA, passed by the Officers under the BSNL cannot be sustained since they are not vested with the power to cancel a Presidential order. The first reference in Ext.R2(a) is the Presidential order issued to the petitioners accepting their exercise of option which is produced as Annexure A8, in the OA. The operative portion of Annexure R2(a) speaks of the cancellation having been issued by the Director, Establishment of Kerala, of the DoT by the power vested with him vide order under reference (2). That is also an order of the DoT dated 29.06.2017 which has not been produced before us, nor the Presidential sanction to cancel; in which event we are entitled to draw an adverse inference.

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.

Sd/-  
K. Vinod Chandran,  
Judge

Sd/-  
V.G. Arun,  
Judge

jma

**APPENDIX**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1                      A TRUE COPY OF THE FINAL ORDER DATED 21.7.2016 IN OA NO.504/2013 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM.
- EXHIBIT P2                      A TRUE COPY OF THE ORIGINAL APPLICATION IN O.A NO.504/20132 WITH ANNEXURES.
- ANNEXURE A9 (A)                TRUE COPY OF THE CANCELLATION OF PRESIDENTIAL ORDER NO.ST-1/PRE-ORD/2006/PT DATED 14/02/2008 ISSUED BY 3RD RESPONDENT.
- ANNEXURE A9 (B)                TRUE COPY OF THE CANCELLATION OF PRESIDENTIAL ORDER NOSTA-11/19/05-06/81 DATED 07/09/2010 ISSUED BY THE 7TH RESPONDENT.
- ANNEXURE A9 (C)                TRUE COPY OF CANCELLATION OF PRESIDENTIAL ORDER NO.F.NO.ST-160/HRD/120 DATED 21/07/2011 ISSUED BY THE 5TH RESPONDENT.
- ANNEXURE A9 (D)                TRUE COPY OF CANCELLATION OF PRESIDENTIAL ORDER NO.ST-F/BSNL OPTION/III/57 DATED 10/04/2012 ISSUED BY 6TH RESPONDENT.
- ANNEXURE A9 (E)                TRUE COPY OF ORDER NO.Q-2632/TLA/2012-13/68 DATED 04/01/2013 ISSUED TO THE 10TH APPLICANT.
- ANNEXURE A1  
COLLECTIVELY                      TRUE COPIES OF THE OFFER OF APPOINTMENTS ISSUED TO THE APPLICANTS BY THE 3RD RESPONDENT BEARING NO.RECTT/9-1157/2000 DATED 30/05/2000, LETTER NO.RECTT/9-1158/2000 DATED 30/05/2000, LETTER NO. RECTT/9-1046/99 DATED 17/05/2000, LETTER NO. RECTT/9-

10241/98 DATED 11/08/2000, LETTER NO. RECTT/9-1167/2000 DATED 19/05/2000, LETTER NO. RECTT/9-15/2000 DATED 11/08/2000, LETTER NO. RECTT/9-1163/2000 DATED 20/06/2000, LETTER NO. RECTT/9-1165/2000 DATED 20/06/2000 AND LETTER NO. RECTT/9-1162/2000 DATED 01/06/2000.

ANNEXURE  
A2 COLLECTIVELY

TRUE COPIES OF THE OFFER OF TEMPORARY APPOINTMENT NO.SRT 7495/14 DATED 14/06/2000, NO.SRT 7500/16 DATED 13/06/2000 AND NO. SRT 7487/29 DATED 04/09/2000 ISSUED BY THE ASSISTANT GENERAL MANAGER (ADMN) OFFICE OF THE 4TH RESPONDENT.

ANNEXURE A3

A TRUE COPY OF LETTER NO.SAT 2001/56 DATED 05/07/2000.

ANNEXURE A4

TRUE COPY OF THE ORDER N. SAT-2001/66 DATED 27/07/2000 ISSUED BY THE 4TH RESPONDENT.

ANNEXURE A4 (A)

TRUE COPY OF NO.HRD NO.1-6/99-2000 DATED 19/07/2000 ISSUED BY THE 3RD RESPONDENT.

ANNEXURE A5 (A)

TRUE COPY OF LETTER NO.SAT 2001/91 DATED 11/09/2000 ISSUED BY THE 4TH RESPONDENT.

ANNEXURE A5 (B)

TRUE COPY OF LETTER NO.STB/OA TRG/1/99 DATED 05/09/2000 ISSUED BY THE 6TH RESPONDENT.

ANNEXURE A6  
COLLECTIVELY

TRUE COPY OF THE ORDERS NO.SGN-9022/98-2000/35 DATED 09/10/2000, NO.STB/43-5/2000 DATED 10/10/2000, NO.E.13/RECTT/II/89 DATED 09/10/2000 AND MEMO NO. ST-B/OA TRG/100 DATED 08/10/2000 ISSUED BY 4TH, 5TH, 3RD AND 6TH RESPONDENTS.

ANNEXURE A6 (A)

A TRUE COPY OF ORDER NO.SAT-2001/117

- DATED 15/12/2000 ISSUED BY THE 4TH RESPONDENT.
- ANNEXURE A7  
COLLECTIVELY TRUE COPIES OF OPTION FORM SUBMITTED BY THE 1ST, 2ND, 4TH AND 7TH APPLICANTS.
- ANNEXURE A8  
COLLECTIVELY TRUE COPIES OF THE ORDERS CONVEYING THE SANCTION OF THE PRESIDENT FOR PERMANENT ABSORPTION IS ISSUED BY THE DEPARTMENT OF TELECOM.
- ANNEXURE A10 A TRUE COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE 25TH MEETING OF THE NATIONAL COUNCIL OF THE BSNL.
- ANNEXURE A11 A TRUE COPY OF LETTER NO.BSNLEU/204 (NCO DATED 23/01/2012.
- ANNEXURE A12 TRUE COPIES OF THE REPRESENTATIONS SUBMITTED BY THE APPLICANTS TO THE RESPONDENTS.
- ANNEXURE A13 TRUE COPY OF LETTER NO.ST.F/BSNL-OPTION/III/61 DATED 16/04/2012, LETTER NO.ST-F/BSNL-OPTION/III/60 DATED 16/04/2012 ISSUED TO THE 7TH AND 9TH APPLICATION.
- ANNEXURE A14 A TRUE COPY OF THE PAY FIXATION MEMO DATED 30/09/2004 ISSUED TO THE 3RD APPLICANT BY THE ACCOUNTS OFFICER, TELECOM ELECTRICAL DIVISION, CALICUT.
- ANNEXURE A15 A TRUE COPY OF THE FINAL ORDER DATED 11/12/2012 IN OA 289/2012 ON THE FILES OF THIS HONOURABLE TRIBUNAL.
- ANNEXURE A16 A TRUE COPY OF THE OFFICE MEMORANDUM NO.38/58/06-PENSION AND PENSIONER'S WELFARE (A) DATED 05/03/2008 ISSUED BY THE DIRECTOR, PENSION AND PENSIONER'S WELFARE.
- EXHIBIT P3 A TRUE COPY OF THE MISCELLANEOUS APPLICATION NO.616/2013.

- EXHIBIT P4 A TRUE COPY OF THE REPLY STATEMENT IN MA DATED 25.11.2013 ALONG WITH THE ANNEXURES.
- ANNEXURE R1 A COPY OF THE LETTER NO.BSNL/4/SR/2002 VOL.III DATED 04/05/2007 OF BSNL CORPORATE OFFICE.
- ANNEXURE R2 A TRUE COPY OF THE BSNL CORPORATE OFFICE, NEW DELHI LETTER 500-85/CA II/BSNL EPF/VOL.III DATED 21/06/2007.
- ANNEXURE R3 A TRUE COPY OF THE DOT 27/01/2001 SNG (VOL-II)/ KERALA DATED 29/04/2013.
- EXHIBIT P5 A TRUE COPY OF THE REPLY STATEMENT DATED 14.3.2014 ALONG WITH THE ANNEXURES.
- ANNEXURE R2 (A) A TRUE COPY OF THE LETTER NO.BSNL/4/SR/2002 VOL.III DATED 04/05/2007 ISSUED BY THE BSNL CORPORATE OFFICE.
- ANNEXURE R2 (B) A TRUE COPY OF THE LETTER NO.500-85/CA II/BSNL/EPF/VOL. III DATED 21/06/2007 ISSUED BY THE BSNL CORPORATE OFFICE.
- ANNEXURE R2 (C) A TRUE COPY OF THE RECRUITMENT RULES 1988 OF TOA.
- ANNEXURE R2 (D) A TRUE COPY OF THE LETTER NO.HR-I/PRE-ORDER/06/DT/51 DATED 21/10/2011 ISSUED TO THE THIRD RESPONDENT.
- ANNEXURE R2 (E) A TRUE COPY OF THE GRIEVANCE ACTION STATUS AS ON 04/09/2013 SUBMITTED BY THESE RESPONDENTS TO THE DOT.
- ANNEXURE R2 (F) A TRUE COPY OF THE NO.27/01/2001-SNG (VOL.II)/KERALA DATED 29/04/2013 ISSUED BY THE DOT.
- EXHIBIT P6 A TRUE COPY OF THE REJOINER DATED 17.11.2014.

EXHIBIT P7                    A TRUE COPY OF THE MA NO. 104/2014 WITH ANNEXURES.

ANNEXURE A17                A TRUE COPY OF THE ORDER IN OA 361/2013 DATED 15/10/2014.

RESPONDENT'S/S EXHIBITS:

ANNEXURE P2A                THE TRUE COPY OF THE ORDER NO. 27/01/DIR(ESTT) /DOT/KRL/2009/124 DATED 07.11.2017 CANCELLING THE PRESIDENTIAL ORDER ISSUED TO THE 1ST PETITIONER

ANNEXURE P2B                THE TRUE COPY OF THE ORDER NO. 27/01/DIR(ESTT)/DOT/KRL/2009/125 DATED 07.11.2017 CANCELLING THE PRESIDENTIAL ORDER ISSUED TO THE 2ND PETITIONER

ANNEXURE P2C                THE TRUE COPY OF THE ORDER RNO. 27/DIR(ESTT)/DOT/KRL/2009/120 DATED 07.11.2017 CANCELLING THE PRESIDENTIAL ORDER ISSUED TO THE 3RD PETITIONER

ANNEXURE P2D                THE TRUE COPY OF THE ORDER NO. 27/1/DIR(ESTT)/DOT/KRL /2009/122 DATED 07.11.2017 CANCELLING THE PRESIDENTIAL ORDER ISSUED TO THE 4TH PETITIONER.

ANNEXURE P2E                THE TRUE COPY OF THE ORDER NO. 27/1/DIR(ESTT)/DOT/KRL /2009/111 DATED 07.11.2017 CANCELLING THE PRESIDENTIAL ORDER ISSUED TO THE 5TH PETITIONER

ANNEXURE P2F                THE TRUE COPY OF THE ORDER NO. 27/1-DIR(ESTT) DOT/KRL/2009/112 DATED 07.11 .2017 CANCELLING THE PRESIDENTIAL ORDER ISSUED TO THE 6TH PETITIONER

ANNEXURE P2G                THE TRUE COPY OF THE ORDER NO. 27/1/DIR(ESTT)/DOT/KRL/2009/117 DATED 07.11.2017 CANCELLING THE PRESIDENTIAL

ORDER ISSUED TO THE 8TH PETITIONER.

ANNEXURE P2H

THE TRUE COPY OF THE ORDER NO.  
27/1DIR(ESTT)/DOT/KRL /2009/119 DATED  
07/11/2017 CANCELLING THE PRESIDENTIAL  
ORDER ISSUED TO THE 9TH PETITIONER.

ANNEXURE P2I

THE TRUE COPY OF THE ORDER  
NO.27/1/DIR(ESTT)/DOT/KRL/2009/137  
DATED 07/11/2017 CANCELLING THE  
PRESIDENTIAL ORDER ISSUED TO THE 9TH  
PETITIONER.