



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM:

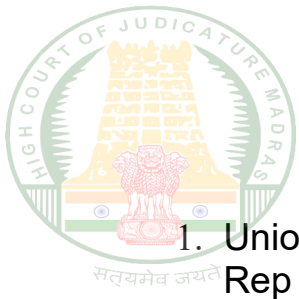
THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.Nos.30234, 31611, 38589, 42795, 43595,
43780 and 44428 of 2025 and 22658 of 2026

[W.P.No.30234 of 2025]

1. R.Muniyandi
2. P.Alagupandiaraja
3. V.Sumithra
4. R.Ganesamuthumurugan
5. K.A.Sreedevi
6. D.Sangeetha
7. S.Thirunavukkarasu
8. S.Somasundaram
9. K.Vijayakumar
10. R.Kusaleswari
11. G.Sasireka
12. R.Karthikeyan
13. M.Muthu Saravana Kumar
14. E.Pandimeena
15. R.Sundara Vadhanam
16. P.Jeyalakshmi
17. K.Suseela
18. A.Sathyakala
19. G.Nowshatkhan
20. B.Arunavelan
21. D.Karthikeyan
22. S.Thavasimani
23. S.Saravana Kumar
24. A.T.Senthilnathan
25. K.H.Krishnasamy
26. R.Gnaneswari
27. C.Venkatesh
28. S.Ramkumar
29. T.C.Parthasarathy

..Petitioner(s)



Vs

1. Union Of India
Rep By The Secretary,
Department Of Telecommunication,
Sanchar Bhavan, 20, Asoka Road,
New Delhi-110 001.
2. The Union Of India
Rep By The Secretary,
Ministry Of Personnel, Public Grievances And
Pensions, Department Of Pensions And
Pensioners Welfare, New Delhi-110 001.
3. Bharat Sanchar Nigam Ltd (BSNL)
Rep by its Chairman cum Managing Director,
Corporate Office, Bharat Sanchar Bhawan,
Harish Chandra Mathur Lane,
New Delhi-110 001.
4. The Deputy General Manager(Estt)
Bharath Sanchar Nigam Ltd (BSNL),
Establishment IV Section 5th Floor,
Bharath Sanchar Bhavan, Corporation Office,
Janpath, New Delhi-110 001.
5. The Chief General Manager
Bharat Sanchar Nigam Ltd, Tamilnadu Circle,
New Administrative Building, 6th Floor,
16 Greams Road, Chennai-600 006.
6. Bharat Sanchar Nigam Ltd (BSNL)
Rep By Its General Manager, No.2,
Rathinasamy Nadar Road, Bibikulam,
Madurai-625 002.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a Writ of Certiorarified Mandamus, to quash the order passed by the Central Administrative Tribunal in OA No. Oa/310/00961/2022 dated 26.7.2024 and quash the same as erroneous, arbitrary, perverse and quash the orders issued by the 1st respondent in No.27-1/2007-



sng(col.III)/chennai T.C.(pt)dated 27.2.2020 and by the 4th respondent in BSNLCO-A/16(27)/4/2020-ESTAB dated 7.8.2020 and consequentially direct the respondents to grant the petitioners coverage and benefits under Rule 37A of CCS (pension)Rules 1972.

For Petitioner(s)
in all W.Ps : Ms.Dakshayani Reddy
Senior Counsel
for Ms.Sharon Elizabeth V.S.

For Respondent(s) : Mr.M.Ramamoorthy
Senior Panel Counsel for R1 and R2
Mr.T.Ravikumar for R3 to R6
in W.P.No.30234 of 2025

Mr.A.Poornachandran
Senior Panel Counsel for R1 and R2
Mr.T.Ravikumar for R3 to R6
in W.P.No.22658 of 2026

Dr.K.Kannan
Senior Panel Counsel for R1 and R2
Mr.T.Ravikumar for R3 to R8
in W.P.No.43595 of 2025

Mr.V.Ashok Kumar
Senior Panel Counsel for R1 and R2
Mr.T.Ravikumar for R3 to R8
in W.P.No.43780 of 2025

Mrs.Indumathi Ravi
Senior Panel Counsel for R1 and R2
Mr.T.Ravikumar for R3 to R6
in W.P.No.44428 of 2025

Dr.K.Kannan
Senior Panel Counsel for R1 and R2



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W.P.No.30234 of 2025 and etc. ba



Mr.T.Ravikumar for R3 to R6
in W.P.No.42795 of 2025

Mr.V.T.Balaji
Senior Panel Counsel for R1 and R2
Mr.T.Ravikumar for R3 to R8
in W.P.No.38589 of 2025

Mrs.Indumathi Ravi
Senior Panel Counsel for R1 and R2
Mr.T.Ravikumar for R3 to R6
in W.P.No.31611 of 2025

COMMON ORDER

(Order of the Court was made by S.M.SUBRAMAINAM J.)

Under assail are the orders of the Central Administrative Tribunal, Chennai Branch, dated 26.07.2024 in O.A.Nos.310/00088/2023, 310/00068/2023, 310/00087/2023, 310/00067/2023, 310/00086/2023, 310/01076/2022, 310/00137/2023 and 310/00961/2022.

2. The original applicants before the Central Administrative Tribunal¹ are the writ petitioners before this Court. The claim of the writ petitioners are that they are entitled for the benefits under Rule 37A of the Central Civil Service (Pension Rules), 1972², taking into consideration the entire duration of the employment of the writ

¹ In short, "CAT"

² For brevity, hereinafter referred as "the Rules of 1972"



petitioners with the Department of Telecommunications³ as well as Bharat Sanchar Nigam Limited⁴ by holding that they are "employees recruited by DoT, absorbed in BSNL".

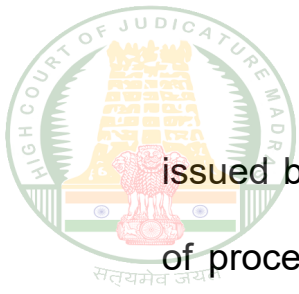
3. The CAT considered these issues and dismissed the applications, thus, the present writ petitions.

4.1. The learned Senior Counsel, *Smt.Dakshayani Reddy*, appearing on behalf of the writ petitioners would mainly contend that the writ petitioners are to be construed as absorbed employees to BSNL and therefore, they are entitled for pension and pensionary benefits under Section 37A of the Rules of 1972 and they should be treated as employees appointed by DoT for the purpose of pensionary benefits.

4.2. To substantiate this claim, the learned Senior Counsel would submit that the recruitment notification was published by DoT on 29.05.2000 in Indian Express, Madurai Division, for direct recruitment to the post of Telecom Technical Assistant. The process of selection was in progress and at that point of time, BSNL was constituted as a company under the Companies Act, 2013. Since the recruitment notification was

³ In short, "DoT"

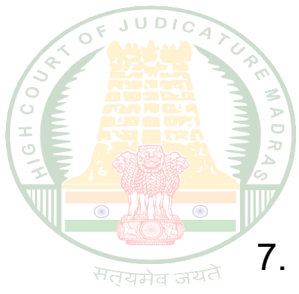
⁴ In short, "BSNL"



issued by DoT, the employees appointed by the BSNL after completion of process are to be treated as employees of DoT. Therefore, the writ petitioners are entitled for pensionary benefits under Rule 37A of the Rules of 1972.

5. The learned Senior Panel Counsel appearing for respondents 1 and 2 and the learned counsel appearing for respondent BSNL would oppose by stating that the writ petitioners have not been appointed by the competent Authority of DoT. No doubt, the recruitment notification was issued by DoT on 29.05.2000, but, before the completion of the selection process, BSNL was constituted and registered as a company under the Companies Act, 2013, and the recruitment process was completed by the BSNL and the order of appointment was issued by the BSNL Authorities. That being the factum, the employees of BSNL cannot be construed as employees of DoT. Once the writ petitioners are the employees of BSNL, the pensionary benefits as applicable to the BSNL employees alone would be granted and the claim since stale, CAT dismissed the applications.

6. This Court has considered the rival submissions made between the parties to the *lis*.

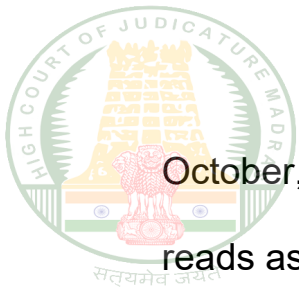


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7. The issue to be considered is whether the writ petitioners have been appointed by DoT or appointed by BSNL. Admittedly, the recruitment notification alone was issued by DoT on 29.05.2000, thereafter, BSNL was constituted and the selection process was in progress during that relevant point of time. Accordingly, the selection process was not completed before constitution of BSNL, nor any order of appointment was issued by DoT. Admittedly, the orders of appointment to all the writ petitioners were issued by BSNL Authorities and their probation also commenced from the date of appointment into service.

8. Regarding the service rights of the writ petitioners, the legal principles are settled. Mere issuance of recruitment notification or participation in the process of selection would not confer any right on the candidates either to seek selection or appointment. Commencement of process of selection would not confer any right to claim service benefits. Only after appointment of a candidate into service, right accrues and the date of appointment will be taken into consideration for grant of service rights to the employee.

9. In the present case, the orders of appointment were issued to all the writ petitioners by the BSNL. The orders of appointment issued in



October, 2002, would indicate the terms and conditions of policy, which reads as under:-

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"The terms and conditions are as follows:

- 1. The appointment is purely temporary but likely to become permanent.*
- 2. The seniority in the cadre of TTA will be determined on the basis of post training marks at the training centre.*
- 3. The service of the appointee can be terminated at any time by one month's notice given however, reserves the right of terminating the services forthwith or before the expiry of the stipulated period of notice and on such termination he/she shall be entitled to claim a sum equivalent to the amount of his/her pay and allowances for the period of notice or unexpired portion thereof at the same rates which she was drawing immediately before termination of his/her services.*
- 4. The appointment carries with in the liability to serve in any part of India. The appointee will be liable for filed service within India at the time of War or National emergency.*
- 5. He/She is expected to serve in the unit of recruitment as long as he/she remains in the cadre to which she is recruited and request for transfer to another unit will not ordinarily be entertained.*
- 6. He/She shall remain on probation for a period of two years.*
- 7. Change of religion, if any, must be brought to the notice of this office promptly. If the verification reveals that the claim to belong to SC/ST, as the case may be, is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate.*
- 8. *The appointment in respect of Ms.N.V.Suriya Devi is purely provisional and will be subject to the outcome of the case pending in the Court(s). The services of the above*



official is liable to be terminated, if the judgment of the Court goes against her.

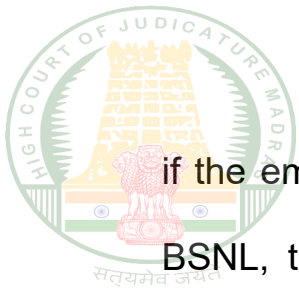
9. Other conditions of service are governed by the Rules and orders in force from time to time. The order is subject to revision at any time.

S/d.

*Deputy General Manager(O),
O/o.The General Manager BSNL,
Madurai SSA, Madurai 625 002.”*

10. Reading of the terms and conditions of appointment would show that, they are appointed into BSNL service on terms and conditions and their conditions of service are governed by the Rules and Orders in force from time to time. Therefore, it is apparently clear that the writ petitioners have not been appointed by the competent Authorities of DoT, but, appointed by BSNL. Mere issuance of recruitment notification by DoT would not confer any right to claim that they are to be treated as the employees of DoT, Union of India. Such a claim is not only stale, but also not in consonance with the principles established.

11. The learned Senior Counsel for the writ petitioners relied on Office Memorandums which are not connected with the employees appointed by BSNL. The said Office Memorandum would stipulate that,



if the employees are appointed by DoT and absorbed as employees of BSNL, then their service in DoT is to be counted for the purpose of qualifying service for grant of pension. However, none of the orders are relatable to grant of pension to the employees appointed by the BSNL under Section 37A of the Rules of 1972. Thus, these Office Memorandums are unconnected and are of no avail to the writ petitioners to substantiate their claim that they should be treated as employees of DoT.

12. The documents filed between the parties would show that all the writ petitioners are appointed independently by BSNL after its formation in the year 2002 under the BSNL Recruitment and Service Conditions - Rules in force. The Office Memorandums relied by the writ petitioners govern only transfer of service of DoT employees as on 30.09.2000 and not the writ petitioners. The writ petitioners have been continuously in service under BSNL ever since from the date of their appointments and they are BSNL employees and not absorbed personnel from DoT. Pertinently, the writ petitioners cannot be treated as absorbed employees from DoT, they have been at the roles of BSNL and governed solely by BSNL service conditions.

13. Since the initial appointment of the writ petitioners were made



by BSNL under the service Rules applicable to BSNL employees, the very claim set out by the writ petitioners are stale and untenable. The CAT elaborately considered this issue and held that the writ petitioners are not entitled for the relief, which, in the opinion of this Court, is in consonance with the Rules and established principles. Consequently, the writ petitions stand dismissed. No costs. W.M.P.Nos.33915, 35415, 43149, 47850, 49548 of 2025 and 24567 of 2026, petitions filed to permit the petitioners to file a single writ petition stands ordered, inasmuch as the petitioners have paid separate set of court fees.

(S.M.S.,J.) (N.S.,J.)
29-06-2026

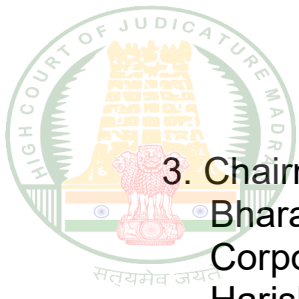
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Note: Registry is directed to type full cause-title for all the cases.

(drm)

To:

1. The Secretary,
Union Of India, Department Of Telecommunication,
Sanchar Bhavan, 20, Asoka Road, New Delhi-110 001.
2. The Secretary, Union Of India,
Ministry Of Personnel, Public Grievances And Pensions,
Department Of Pensions And Pensioners Welfare,
New Delhi-110 001.



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3. Chairman cum Managing Director,
Bharat Sanchar Nigam Ltd. (BSNL)
Corporate Office, Bharat Sanchar Bhawan,
Harish Chandra Mathur Lane, New Delhi-110 001.
4. The Deputy General Manager(Estt)
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5. The Chief General Manager
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6. The General Manager,
Bharat Sanchar Nigam Ltd (BSNL)
No.2, Rathinasamy Nadar Road, Bibikulam, Madurai-625 002.



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S.M.SUBRAMANIAM J.
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