

IN THE HIGH COURT OF DELHI AT NEW DELHI

IN THE MATTER OF:

1. W.P. (C) NO. 4946 OF 2024

UNION OF INDIA & ORS. ... PETITIONERS
VERSUS

ALL INDIA RETIRED BSNL EXECUTIVES
WELFARE ASSOCIATION AND ORS. ... RESPONDENTS

2. W.P. (C) NO. 4985 OF 2024

UNION OF INDIA & ORS. ... PETITIONERS
VERSUS

RETIRED TELECOM OFFICERS WELFARE
ASSOCIATION AND ORS. ... RESPONDENTS

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RESPONDENTS

Through 

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**New Delhi
28.05.2026**

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CONSOLIDATED NOTES OF SUBMISSIONS BY RESPONDENTS

The present submissions are being filed in addition to the Written Submissions filed by the Respondents [**@ Pg. 1013**] and are structured as under:

- I. Relief sought and arguments advanced
- II. Judgments by different benches of the Tribunal
- III. Conclusion

I. RELIEF SOUGHT AND ARGUMENTS ADVANCED

- 1.1. The Respondents are all erstwhile employees of DOT, who were absorbed on 01.10.2000 in BSNL and MTNL respectively. The Group 'C' & 'D' employees of MTNL were absorbed on 01.11.1998. BSNL/MTNL has two sets of employees, *firstly*, the employees who were absorbed from DOT and have then retired from BSNL/MTNL known as the combined service pensioners and *secondly*, the employees who were directly recruited in BSNL/MTNL.
- 1.2. The Respondents are the combined service pensioners who had filed O.A. No. 1271/2020 [*filed by retired BSNL absorbees out of which W.P. (C) No. 4946/2024 arises*] and O.A. No. 1272/2020 [*filed by retired MTNL absorbees out of which W.P. (C) No. 4985/2025 arises*] before the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi ("**Ld. CAT/Tribunal**") seeking revision of their pension as per the recommendations of the 7th CPC.
- 1.3. The Respondents sought parity with their counterparts in government service for revision of their pension as per the recommendations of the 7th CPC as was assured to them at the time of their absorption in BSNL/MTNL by incorporation of Rule

37-A of the CCS (Pension) Rules, 1972 (“CCS Rules”) promulgated under Article 309 of the Constitution of India, 1950.

- 1.4. The Ld. Tribunal in the Impugned Order [**@ Para 8, 16 & 18 @ Pg. 60, 65 & 69**] has meticulously examined the documents on record, and particularly the assurances of DOT made to the Respondents at the time of their absorption, which is envisaged on a perusal of the following rules/office orders/notifications viz.:

S. No.	Document	Relevant portion
1.	05.07.1989 @ Pg. 901	OM issued by DoP&PW for settlement of issues of government employees transferred to PSUs/Autonomous bodies. As per Paragraph (b) the pension of government servants in the case of <i>en masse</i> transfer of employees shall at the time of retirement, be <u>“in accordance with the Central Government Rules in force at that time”</u> .
2.	25.09.2000 @ Pg. 904	Cabinet Note by DOT stating that <u>all employees would be entitled to government’s scheme of pension/family pension</u> even after absorption and pension framework is part of the CCS Rules. [@ Pg. 907]
3.	30.09.2000 @ Pg. 887	Rule 37-A of the CCS (Pension) Rules, 1972 governs the Respondents’ pension. [Relevant Sub-Rule (8) and explanation @ Pg. 889]
4.	09.11.2000 @ Pg. 908	Circular issued by DOT stating that employees of DOT absorbed in BSNL will be entitled to <u>government’s scheme of pension/family pension</u> .
5.	14.01.2002 @ Pg. 909	Clause 5 of the terms & conditions of the circular calling for absorption [@ Pg. 914], states that officers who opt for absorption would be governed by Rule 37-A of the CCS Rules and the word formula in Sub-Rule (8) <u>“means payment of pension as per Government rules in force at that time”</u> .
6.	01.09.2008 @ Pg. 1029	OM issued by DoP&PW for implementation of recommendations of 6 th CPC. Para 1 extends this to all pensioners/family pensioners and Para 7 states that the pension of government servants on permanent absorption will be updated in terms of this order. [@ Pg. 1031]
7.	02.09.2008 @ Pg. 1085	OM issued by DoP&PW introducing certain modifications for applicability of 6 th CPC to the central government employees governed by CCS Rules.
8.	27.04.2009 @ Pg. 926	DoP&PW OM stating that the <u>formula applicable to central government pensioners in the OM dated 02.09.2008</u> shall be applicable to the absorbees too. [Para 2 @ Pg. 927]

9.	15.03.2011 @ Pg. 931	OM issued by DOT for revision of pension after the 6 th CPC and the benefit were to reach the pensioners expeditiously [@ Pg. 935].
10.	20.07.2016 @ Pg. 942	OM issued by DOT wherein the entire pension liability of the absorbed officers would remain with the Govt. of India [@ Pg. 943]
11.	04.08.2016 @ Pg. 945	OM issued by DoP&PW for implementation of 7 th CPC. Para 1 extends this to all pensioners/family pensioners. Para 7 [@ Pg. 947] states that the pension of government servants on permanent absorption will be updated in terms of this order. Para 4.1 provides the formula for pension revision [@ Pg. 946]
12.	21.03.2017 @ Pg. 952	Order issued by BSNL extending benefits of the 7 th CPC in terms of the OM dated 04.08.2016.
13.	12.05.2017 @ Pg. 953	OM issued by DoP&PW for implementation and revision of pension as per 7 th CPC and at Para 12 [@ Pg. 955], the pensioners who are drawing pension from the Government upon permanent absorption in PSUs/autonomous bodies was to be revised.

- 1.5. The genesis of the argument of the Petitioners is that the Respondents deemed to have retired from government service upon their absorption in BSNL/MTNL and have been drawing IDA Pay scale and as such the Orders issued by DoP&PW for pension revision are only applicable to central government employees drawing CDA Pay scale.
- 1.6. The inherent fallacy in this argument is that no such classification has been made in the statutory scheme within which the pensionary framework of the BSNL/MTNL combined service pensioners is governed *viz.*, CCS Rules, much less the various orders issued from time to time, all of which make the relevant orders of DoP&PW applicable to “*pensioners/family pensioners*” who are governed under the CCS Rules.
- 1.7. Sub-rule (8) of Rule 37A of the CCS Rules pertains to cases involving combined service of BSNL/MTNL under the CDA pay scale (*while they were at DOT*) and IDA pay scale (*upon their absorption*). Further, Sub-Rule (10) specifically recognises the entitlement of Government pensioners, absorbed under the IDA pattern, to receive dearness relief in accordance with IDA. A conjoint reading of sub-rules (4) and (8) of Rule 37A leaves no manner of doubt that the Respondents, upon retirement, are entitled to pension revision in the same manner and to the same extent as is applicable to a Central Government servants.

- 1.8. Except for pension revision, all benefits of the 7th CPC have been extended and made applicable to the retired BSNL/MTNL employees *viz.*, (i) calculation of Pension, (ii) additional pension with maturity of age (iii) qualifying service for full pension (iv) commutation (v) limit of Gratuity (vi) Family Pension (vii) Leave encashment amount etc.
- 1.9. Lastly, it is important to mention that the documents filed and relied upon by the Petitioners during the course of arguments, were never placed on record before the Ld. Tribunal i.e. Documents from **Pg. 1026-1115** and **Pg. 1229-1231**.

II. JUDGMENTS BY DIFFERENT BENCHES OF THE TRIBUNAL

- 2.1. The Petitioners vehemently argued that the Impugned Order does not refer to the Orders passed by the coordinate benches. In this regard, the Impugned Order has been passed by a Division Bench while the other Orders as sought to be relied upon by the Petitioners have been *firstly*, passed by a Single Bench of the Ld. Tribunal at Ernakulam and Hyderabad and *secondly*, the Division Bench of the Ld. Tribunal at Bengaluru has passed a non-speaking order. Notably, none of these orders consider the several OMs/circulars issued by DOT, DoP&PW and BSNL as have been relied upon by the Respondents and evaluated in the Impugned Order.
- 2.2. The Respondents on 13.05.2026 had submitted a compilation of the above orders during the course of oral arguments which sets out the respective Original Applications, orders/judgments and subsequent proceedings filed before the Ld. Tribunals at (i) Bengaluru (ii) Ernakulam (iii) Hyderabad.
- 2.3. In any event, during the pendency of the present Writ Petition, the Hon'ble High Court of Kerala at Ernakulam *vide* Judgment dated 07.02.2025 passed in O.P. (CAT) No. 60/2020 [**PDF 45, at 72 of the compilation dated 13.05.2026**] upheld the applicability of the OM dated 12.05.2017 albeit restricting it only to one person. In this regard, it is submitted that the Respondents herein had filed the respective OAs along with applications for joinder of parties [**@ Pg. 410**] under Rule 4 (5) of the Central Administrative Tribunal (Procedure) Rules, 1987 which permits several persons to join as parties and espouse the cause, which too has been allowed by the Ld. Tribunal without any objection from the Petitioners.
- 2.4. Notably, the applicability of the documents **@ Pg. 1229-1231**, which were sought to be introduced in these Petitions for the first time, was rejected by the Hon'ble High Court of Kerala at Ernakulam *vide* Judgment dated 24.03.2026 in R.P. No.

1158/2025 in O.P. (CAT) No. 60/2020 [*PDF 88, at 97-98 of the compilation dated 13.05.2026*].

- 2.5. In view of the above, notwithstanding that the other judgments of the coordinate benches of the Ld. Tribunal had no applicability, the issue of the Ld. Tribunal not referring to those in the Impugned Order does not arise today given the Judgments passed by the Hon'ble High Court of Kerala at Ernakulam.

III. CONCLUSION

- 3.1. It is submitted that the Respondents were absorbed in BSNL/MTNL from DOT and have been drawing pension in terms of Rule 37-A of the CCS Rules. The pension of the absorbed employees is still governed under the CCS Rules and a mere difference in the pay structure between CDA and IDA does not amount to forfeiture of this statutory right.
- 3.2. The Respondents were extended the benefit of the 6th CPC as well and cannot arbitrarily be denied the benefits of the 7th CPC by linking pension revision with IDA pay revision in BSNL/MTNL, particularly since IDA pay revision of working employees does not deal with pensioners governed under the CCS Rules.
- 3.3. The Ld. Tribunal *vide* the Impugned Order [**@ Para 28, Pg. 76-77**] while allowing the Original Applications, has only directed revision of pension which the DOT is entitled to do under the relevant rules and extend the benefit of the rules notified for the central government on the recommendations of the pay commission in favour of the Respondents, which has to be analogous to the revision of pension of the central government pensioners.
- 3.4. It is submitted that failure on part of the DOT to revise pension in terms of the 7th CPC is gravely prejudicing the Respondents who have a legitimate expectation for pension revision particularly since they are all Senior Citizens who, at the time of their absorption in BSNL/MTNL were assured that their pension would be at par with government scheme of pension/family pension. In fact, Rule 37-A, CCS Rules was specifically amended for protection of the pension of the employees of DOT who chose absorption in BSNL/MTNL so that upon retirement, their pension is at par with that of a government servant retiring on the same day. As such, the DOT cannot resile from these assurances which are also statutorily protected.

Filed by:

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