

File No. 78-45/2022-SU-IV(Part)
Government of India
Ministry of Communications
Department of Telecommunications
(SU-IV Section)

COURT CASE MATTER

Sanchar Bhawan, New Delhi,
Dated: 12 May, 2023

To,
Dy. CCA (Legal),
O/o Pr. CCA, Delhi Circle,
DTO Building, Prasad Nagar,
New Delhi-110005.

Subject: Contempt Petition No. 555/2023 in W.P (C) No. 5511/2022 filed Sh. Ashwani Kumar Sharma & ors. v/s Sh. K. Rajaraman at Delhi High Court-reg.

Sir,

The Hon'ble Court order dated 01.05.2023 in C.P no 555/2023 inter-alia, says that:

2. *The learned counsel for the respondent appears on advance service and status on instructions from Director(Projects) of MTNL states that appropriate steps will be taken within three (3) days to ensure that in future notifications no such condition excluding VRS 2019 retirees is included in the eligibility criteria.*
 3. *The learned counsel for the respondent is directed to file a compliance affidavit to this effect within two (2) weeks and take steps for withdrawing the directive dated 25.06.2021.*
 4. List for compliance on 30.05.2023.
2. Following action have been taken towards compliance of Hon'ble High Court order:
- i. The advertisement for the engagement of consultant by Madhya Pradesh, Kolkata, Maharashtra and Assam LSAs have already been withdrawn in pursuance of this office vide OM dated 01.05.2023 (copy attached).
 - ii. The OM dated 12.05.2023 has been issued with the approval of Hon'ble MoC, which supercedes the OM dated 25.06.2021 and states that optees of BSNL/MTNL under VRS scheme 2019 may be considered for engagement on consultancy/contractual basis in any CPSE/Government department (copy attached).
3. In view of the above, it is requested that the necessary action may kindly be taken towards filing of compliance affidavit, in consultation with Govt. Counsel, please.
4. This may be seen as TOP PRIORITY.

Encl.: As above.

Yours faithfully,


(Ramanuj Dey)

Deputy Secretary to Govt. of India
Ph. No. 23036235

No. 19-1/2019-SU-I/SU-II (FTS 95709)
 Government of India
 Ministry of Communication
 Department of Telecommunications

Sanchar Bhawan, New Delhi
 Dated 1st May, 2023

OFFICE MEMORANDUM

Subject: WP(C) 5511/2022 title Ashwani Kumar Sharma & Ors Vrs Department of Telecommunications – regarding.

The undersigned is directed to refer to the subject mentioned above and to state that Hon'ble High court in its judgement dated 12.01.2023 (copy enclosed) has held that:

2 5 The resultant position which emerges is that the engagement of petitioners who are BSNL VRS-2019 retirees in any CPSE/Government department on contractual/consultancy basis, for which the retired employees on superannuation in due course are eligible for consideration, is not in violation of Clause 8 (iii) of BSNL VRS-2019.

It is accordingly held that clarification/directive dated 25.06.2021 interpreting the definition of employment/re-employment to include engagement on contractual / consultant basis is contrary to the terms and conditions of BSNL VRS-2019. The applicants as such are eligible to be considered for appointment consultancy/ contractual basis. The petition is accordingly allowed to aforesaid extent...

2. It has come to our notice that some of LSA like Bhopal, Kolkata, Pune, Guwahati etc have advertised citing the DoT O.M dated 25.06.2021 for post, wherein VRS optees are not eligible.

3. As the matter is still under deliberation/decision in DoT in consultation with DoPT, it is requested to instruct all the field units/offices to withdraw their advertisements till further instructions.

Signed by Dharendra Verma

Date: 01-05-2023 14:41:19

(Dhirendra Verma)
 Director(Projects/MTNL)
 23036032

To,

Member(S)

Copy to,

DG(T)/CGCA

Fwd: WP(C) 5511/2022 title Ashwani Kumar Sharma & Ors Vrs Department of Telecommunications – regarding.

From : Ashutosh Saran <cons.hq-dgt-dot@govcontractor.in>

Thu, May 11, 2023 05:16 PM

Subject : Fwd: WP(C) 5511/2022 title Ashwani Kumar Sharma & Ors Vrs Department of Telecommunications – regarding.

3 attachments

To : Dharendra Verma <dhirendra.verma@gov.in>

Cc : Ravindra Giri <giri.ravindra@gov.in>, Gaurav KumarPandey <gauravk.pandey@gov.in>, Shri Sunil Kumar Verma <jsa-dot@gov.in>, PIYUSH KUMAR <piyush.kumar86@gov.in>, Shailesh Shrivastava <ddga.hq-dgt-dot@gov.in>, Dharmesh Makwana <dira.hq-dgt-dot@gov.in>, Shashank Namdeo <adga.hq-dgt-dot@gov.in>, Padma Kaushik <soa.hq-dgt-dot@gov.in>

Respected Sir,

I have been directed to convey that advertisement for the engagement of consultant by LSA MP, KOL, MH and ASM....etc mentioned in OM No. 19-1/2019-SU-I/SU-II (FTS 95709) dated 01-5-2023 have already withdrawn/invalid the advertisement.

Regards,

Ashutosh Saran Bhatnagar
A.D (Consultant)-Admn & HR
O/o DGT HQ, DOT
R No 208, UIDAI Building
Gurudwara Bangla Sahib Road,
Gole Market, New Delhi 110001
M-8368058598

No. 19-1/2019(Part)-SU-1 (FTS 96171)
Government of India
Ministry of Communication
Department of Telecommunications

Sanchar Bhawan, New Delhi
Dated 12th May, 2023

OFFICE MEMORANDUM

Subject: Clarification on engagement of BSNL/MTNL VRS optees on contractual/consultancy basis

In view of the judgement dated 12.01.2023 of Hon'ble High Court Delhi in WP 5511/2022, the matter has been examined in consultation with Department of Public Enterprises, Department of Expenditure and Department of Personnel and Training.

2. In supersession of O.M dated 25.06.2021 on the subject matter above, I am directed to convey that the optees of BSNL/MTNL under VRS Scheme 2019 may be considered for engagement on consultancy/contractual basis in any CPSE/Government department. The final discretion of engagement shall rest with the concerned CPSE/Government department as per their policy.

Signed by Dhirendra Verma
Date: 12-05-2023 18:15:33

(Dhirendra Verma)
Director (Projects/MTNL)
23036032
dhirendra.verma@gov.in

To,

1. Member(F)/Member(S)
2. DGT/CGCA
3. CMD, BSNL/MTNL

Copy to:

1. Secretary, DPE

