

IN THE SUPREME COURT OF INDIA
[ORDER XXI RULE 3(1) (a)]
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION
(Under Article 136 of the Constitution of India)

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2026

[Arising out of the Common Impugned Judgment dated 01.07.2026 passed by the Hon'ble High Court of Delhi at Delhi in W.P(C) No. 4946 of 2024 titled as '*Union of India & Ors. vs. All India Retired Bharat Sanchar Nigam Limited Executive Welfare Association & Ors.*' and other connected matters]

WITH PRAYER FOR INTERIM RELIEF

IN THE MATTER OF:-

ALL INDIA RETIRED BHARAT SANCHAR
NIGAM LIMITED EXECUTIVE WELFARE
ASSOCIATION & ORS. ...PETITIONERS

VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

WITH

PAPER – BOOK
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ADVOCATE FOR THE PETITIONERS: SONALI JAIN

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CIVIL) NO. OF 2026

IN THE MATTER OF:-

ALL INDIA RETIRED BHARAT SANCHAR
NIGAM LIMITED EXECUTIVE WELFARE
ASSOCIATION & ORS. ...PETITIONERS

VERSUS

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OFFICE REPORT ON LIMITATION

1. The Petition is within Limitation.
2. There is delay of _____ days in Re-filing the petition.

Date: __.08.2026

BRANCH OFFICER

PROFORMA FOR FIRST LISTING

SECTION: XVI (Delhi)

The case pertains to (Please tick/check the correct box):

- ☐ Central Act: (Title) **N.A.**
☐ Section: **NA**
- ☐ Central Rule: (Title) **N.A.**
☐ Rule No(s): **N.A.**
- ☐ State Act: (Title) **N/A**
☐ Section: **N/A**
- ☐ State Rule: (Title) **N/A**
☐ Rule No(s): **N/A**
- ☐ Impugned Interim Order: **N/A**
☐ Impugned Final Order/Decree: **01.07.2026**
- ☐ High Court: **High Court of Delhi**
- ☐ Names of Judges: **Hon'ble Mr. Justice C. Hari Shankar**
Hon'ble Mr. Justice Om Prakash Shukla
- ☐ Tribunal/Authority: (Name) **N/A**

-
1. Nature of matter: ☒ Civil ☐ Criminal
2. (a) Petitioner/Appellant No.1: **All India Retired Bharat Sanchar Nigam Limited Executive Welfare Association**
(b) e-mail ID: **N/A**
(c) Mobile phone number: **N/A**
3. (a) Respondent No.1: **Union of India**
(b) e-mail ID: **N/A**
(c) Mobile phone number: **N/A**
4. (a) Main Category classification: **16**
(b) Sub-classification: **1602**
5. Not to be listed before: **N/A**

6. (a) Similar disposed of matter with citation, if any, & case details: **No similar disposed of matter**

(b) Similar pending matter with case details: **No similar matter is pending**

7. **Criminal Matters:**

(a) Whether accused/convict has surrendered: ☐ Yes ☐ No

(b) FIR No. **N/A**

(c) Police Station: **N/A**

(d) Sentence Awarded: **N/A**

(e) Period of sentence undergone including period of Detention/Custody Undergone **N/A**

8. **Land Acquisition Matters:**

(a) Date of Section 4 notification: **N/A**

(b) Date of Section 6 notification: **N/A**

(c) Date of Section 17 notification: **N/A**

9. **Tax Matters:** State the tax effect: **N/A**

10. Special Category (first petitioner/appellant only): **N.A.**

Senior citizen : Yes

SC/ST : **N/A**

Woman/Child: **Yes**

Disabled: **N.A**

Legal Aid Case : **N.A**

In custody : N.A.

11. Vehicle Number (in case of Motor Accident Claim matters): **N/A**

Date: . 08.2026

AOR for Petitioners

SYNOPSIS

[*To be included after questions of law and grounds are finalized*]

Hence the present Special Leave Petition.

LIST OF DATES

DATE	EVENTS
05.07.1989	Office Memorandum issued by the Department of Pension & Pensioners' Welfare ("DoP & PW"), whereby the question of settlement of pensionary terms upon conversion of a Government Department, or a segment thereof, into a Central Public Sector Undertaking/autonomous body was reviewed, and the terms and conditions applicable in the case of <i>en masse</i> transfer of employees were issued, amongst other terms and conditions the OM specifically stipulated as under:-

“...

(b) The Government servants who opt to be governed by the pensionary benefits available under the Government, shall at the time of their retirement, be entitled to the pension etc. in accordance with the Central Government rules in force at that time.

...” (Emphasis Supplied)

As per this OM, the Petitioners were assured that upon conversion, their entitled of pension upon

retirement would stand protected akin to the government servants.

True copy of the Office Memorandum dated 05.07.1989 issued by DoP&PW is attached herewith as **Annexure P-1**[Pg. __ to __].

25.09.2000 Note for the Cabinet seeking approval for the HRD and financial issues arising out of the corporatisation of the Department of Telecom Services (“DTS”) and the Department of Telecom Operations (“DTO”). The decision of the Government in June 2000 to achieve corporatisation by 01.10.2000 had activated all Federations, Staff Unions of Group ‘C’ and ‘D’ and Associations of Group ‘A’ and ‘B’ to put forth demands pertaining to their respective cadres, in particular their retirement and pensionary benefits, before corporatisation. Accordingly, the following framework for retirement and pensionary benefits was approved:

“Pension & Retirement benefits

“.....

(i) all employees were to be entitled to the Government scheme of pension/family pension even after their absorption;

(ii) payment of pension would be made by the Government;

(iii) an arrangement would be worked out for obtaining pension contribution from the PSU, to be deposited with the Government; and

(iv) the pension framework was made a part of the CCS (Pension) Rules, 1972 by insertion of Rule

37-A, by amending Rule 37 in exercise of powers under Article 309 of the Constitution of India.
....” (Emphasis Supplied)

A true copy of the Note for the Cabinet dated 25.09.2000 is attached herewith as **Annexure P-2** [Pg. __ to __].

30.09.2000 Office Memorandum issued by the Department of Telecommunication Services (“**DTS**”) transferring the telecom services provided by DTS and DTO to Bharat Sanchar Nigam Limited (“**BSNL**”) w.e.f. 01.10.2000.

A true copy of the Office Memorandum dated 30.09.2000 is attached herewith as **Annexure P-3** [Pg. __ to __]

30.09.2000 On the even date, after several agitations by the employees in respect of their terms of service and retirement benefits upon absorption in the PSU, In exercised of powers conferred under Article 309 and Clause 148(a) of the Constitution of India, Rule 37-A was inserted in the CCS (Pension) Rules, 1972 setting out the “***Conditions for payment of pension on absorption consequent upon conversion of a Government Department into a Public Sector Undertaking***”.

Sub-rules (4) and (8) & (21) of Rule 37-A provided *inter alia*:-

“ ...

(4) The permanent absorption of the Government servants as employees of the public sector undertaking or autonomous body shall take effect from the date on which their options are accepted by the government and on and from the date of such acceptance, such employees shall cease to be Government servants and they shall be deemed to have retired from Government service.

...

(8) A permanent Government servant who has been absorbed as an employee of a the public sector undertaking or autonomous body shall be eligible for pensionary benefits on the basis of combined service rendered by him in the Government and the public sector undertaking or autonomous body in accordance with the formula for calculation of pension/ family pension under these rules as may be in force at the time of his retirement from the public sector undertaking or autonomous body, as the case may be.

...

(21) Nothing contained in sub-rules (12) to (20) shall apply in the case of conversion of the Department of Telecom Service and Telecom Operations into Bharat Sanchar Nigam Limited, in which case the pensionary benefits shall be paid by the Government."

A true copy of the Rule 37-A as inserted in the CCS (Pension) Rules, 1972 is herewith as **Annexure P-4 [Pg. __ to __]**.

Notably, BSNL has two set of employees, one set of employees were absorbed from DOT who were given assurance of pension at par with their counterparts in DOT and are known as BSNL combined service pensioners, and the other set of

BSNL employees who were directly recruited and are not entitled to the benefit of pension under Rule 37-A. The Petitioners are the first set of employees known as BSNL combined service pensioners/BSNL absorbed officers/employees.

09.11.2000 Circular issued by the DoT bearing DOT No. 36-15/2000-Pen(T) wherein it was stated that

“The employees getting absorbed in BSNL would continue to receive Government’s scheme of pension/ family pension after their absorption”
(Emphasis Supplied)

A true copy of the of the Circular dated 09.11.2000 issued by the DoT is attached herewith as **Annexure P-5 [Pg. __ to __]**.

14.01.2002 Order issued by BSNL calling for options for absorption of Group ‘B’ officers who had been transferred to BSNL & MTNL on deemed deputation basis w.e.f. 01.10.2000, as also of those who remained in DoT.

Pension was governed under the General Terms & Conditions for absorption of Group ‘B’ Officers in BSNL stated *inter alia*:-

“....

5. Payment of Pension

The officers who opt for permanent absorption in BSNL would be governed by the provisions of Rule 37 - A of CCS (Pension) Rules, notification for which was issued by the Department of Pension & Pensioners Welfare on 30.09.2000. For the purpose of reckoning emoluments or calculation of pension and

pensionary benefits, The emoluments as defined in CCS (Pension) Rules, in PSU in the IDA pay scales shall be taken.

DOT has already clarified that the word "formula" mentioned in clause 8 of Rule 37 - A means payment of pension as per Government Rules in force at that time. *BSNL will not dismiss/remove an absorbed officer without prior approval of the Administrative Ministry/Department*

...” (Emphasis Supplied)

A true copy of the Order dated 14.01.2002 issued by BSNL is attached herewith as Annexure **P-6** [Pg. __ to __].

28.12.2002 Amendment to Rule 37-A notified *vide* No. 4/61/99-P&PW(D) which read as follows:

“,,,

(a) after sub –rule (8), the following explanation is shall be inserted namely:-

“EXPLANATION:- The amount of pension/family pension of the absorbed employee on superannuation from public sector undertaking/ autonomous body shall be calculated in the same way as would be the case with a Central Government servant, retiring on superannuation, on the same day”

15.01.2003 Certain clarifications issued by DoT in relation to payment of pension and family pension, on the CDA pay scale or the IDA pay scale, consequent upon the introduction of the IDA pay scales by BSNL on 07.08.2002 w.e.f. 01.10.2000, in replacement of the existing CDA pay scales. It was stated that while determining the pensionary

benefits and retirement benefits on IDA pay scales, the CCS (Pension) Rules 1972 (as amended from time to time should invariably be consulted.

28.07.2003 DoT notified the IDA pay scales corresponding to the CDA pay scales of DoT, as approved for the Executives of BSNL.

12.02.2004 Order issued by DoT for its employee seeking permanent absorption of in BSNL.

01.09.2008 Office Memorandum issued by DoP&PW for implementation of government's decision on recommendations of the 6th Central Pay Commission ("CPC") which also governed the Central Government employees who have been permanently absorbed in PSUs and provided as under:-

"...

7. The cases of Central Government employees who have been permanently absorbed in Public Sector Undertaking/autonomies bodies will be regulated as follows:-

(a) PENSION

Where the Governments servants on permanent absorption in public sector undertakings /autonomous bodies continue to draw pension separately from the Government, the pension of such absorbees will be updated in terms of these orders. In cases where the Government servants have drawn one-time lump sum terminal benefits equal to 100% of their pensions and have become entitled to the restoration of one third commuted portion of the pension as per Supreme Court

judgement dated 15.12.1995, their cases will not be covered by these orders.

...” (Emphasis Supplied)

A true copy of the OM dated 01.09.2008 issued by DoP&PW is attached herewith as Annexure **P-7** [Pg. __ to ____].

02.09.2008 Office Memorandum issued by DoP&PW for 6th CPC revising the provisions for calculation of pension.

A true copy of the OM dated 02.09.2008 issued by DoP&PW is attached herewith as Annexure **P-8** [Pg. __ to ____].

26.11.2008 OM issued by Department of Public Enterprises (“**DPE**”) notifying the recommendations of the 2nd Pay Revision Committee (“**PRC**”) for the CPSUs employees following IDA pattern of pay scale w.e.f. 01.01.2007 with 30% fitment.

Notably, no provision of pension was made in the said OM and the same only dealt with pay revision of CPSUs.

A true copy of OM dated 26.11.2008 issued by DPE implementing recommendations of 2nd Pay Revision is attached herewith as **Annexure P-9** [Pg. __ to ____].

27.04.2009 OM issued by DoP&PW clarifying the applicability of the revised rules with reference to the recommendations of the 6th CPC regarding

enhanced DCRG and the calculation of emoluments for pension/family pension in respect of ex-DOT employees absorbed in BSNL, whose pensionary benefits are regulated under Rule 37-A of the CCS (Pension) Rules, 1972. The said OM, *inter alia*, stated as follows:

“ ...

Consequent upon the implementation of the Government decision on the recommendation of 6th Central Pay Commission and as per Department of Pension and Employees Welfare O.M. dated 01.09.2008 (read 2.9.2008), rule regarding limit of DCRG, Calculation of emoluments for pension/ family pension. Commutation of pension and qualifying service etc. have changes with effect from 01.01.2006.

In this connection, it is submitted that the Explanation given under Sub-Rule (8) of Rule 37-A of CCS (Pension) Rules, 1972 says that the amount of pension/family pension of the absorbed employees on superannuation from PSU/ AB shall be calculated in the same way as would be the case with a Central Government servant retiring on superannuation, on the same date. It is worthwhile to add that BSNL is the only PSU that has been granted a special dispensation under sub rule (21) of Rule 37-A of CCS (Pension) Rules, 1972 to the effect that the pensionary benefits including family pension to the absorbed employees of BSNL is paid by the Government. This Department is of the view that the change as per DoP&PW's OM dated 02.09.2008 as mentioned in para 2 above are also applicable to IDA pensioners of BSNL.

... ” (Emphasis Supplied)

A true copy of the OM dated 27.04.2009 issued by DoP&PW attached herewith as **Annexure P-10** [Pg. __ to ____].

04.05.2009 Circular issued by DoT intimating that the revised rules of pension calculation as per the 6th CPC with regard to limit of DCRG, Calculation table, emoluments, qualifying service etc. is applicable to IDA pensioners of BSNL covered under Rule 37 A w.e.f. 01.01.2006

A true copy of circular dated 04.05.2009 issued by DoT is attached herewith as **Annexure P-11** [Pg. __ to ____].

16.08.2010 Clarification issued by DOT on applicability of revised rules of CCS (Pension) Rules, 1972 to BSNL employees as per which the amendment in the CCS Pension Rules as regards admissibility of full pension upon completion of 20 years of service was applicable to the absorbed employees of BSNL too.

29.12.2010 Note for cabinet for revision of pension for employees of BSNL, who retired after 01.10.2000 before 01.01.2001.

15.03.2011 Order No. 40-17/2008-Pen(T)-Vol. III issued by DoT for revision of pension/family pension of BSNL employees who retired between 01.10.2000 and 31.12.2006. The said Order stated *inter alia*:-

“...

3. *The undersigned is directed to convey the decision of Government of India to regulate the pension/ family pension of all the BSNL absorbed pensioners/ family pensioners, who retired during the period 1.10.2000 to 31.12.2006, with effect from 1.1.2007, in the manner mentioned in the succeeding paragraphs.*

...

4.1. *The pension/ family pension of pre-2007 BSNL pensioners/ family pensioners will be consolidated with effect from 1.1.2007 by adding together:*

- i. The existing pension/ family pension, including commuted portion of pension, if any;*
- ii. Dearness Relief upto AICPI (IW) average index 126.33 (Base year 2001=100) i.e. @68.8% of Basic Pension/ Basic family pension;*
- iii. Fitment weightage @ 30% of the sum of existing pension/ family pension and Dearness Relief thereon.*

The amount so arrived at will be regarded as consolidated pension/ family pension with effect from 1.1.2007.

...

4.2. *The fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than fifty percent of the minimum of the pay in the pay scale corresponding to the pre-revised pay scale from which the BSNL pensioner had retired.*

...”

A true copy of the Order dated 15.03.2011 bearing No. 40-17/2008-Pen(T)-Vol. III issued by DoT is attached herewith as **Annexure P-12** [Pg. __ to __].

21.12.2012 The CCS (Pension) Rules, 1972 were amended thereby modifying the sub-rules thereunder. For the sake of completion, the relevant extracts are reproduced hereunder:

“(1) On conversion of a department of the Central Government into a Public Sector Undertaking, all Government servants of that Department shall be transferred en-masse to that Public Sector Undertaking, on terms of foreign service without any deputation allowance till such time as they get absorbed in the said undertaking, and such transferred Government servants shall be absorbed in the Public Sector Undertaking with effect from such date as may be notified by the Government.

...

(8) A permanent Government servant who has been absorbed as an employee of a Public Sector Undertaking and his family shall be eligible for pensionary benefits (including commutation of pension, gratuity, family pension or extra-ordinary pension), on the basis of combined service rendered by the employee in the government and in the Public Sector Undertaking in accordance with the formula for calculation of such pensionary benefits as may be in force at the time of his retirement from the Public Sector

Undertaking or his death or at his option, to receive benefits for the service rendered under the Central Government in accordance with the orders issued by the Central Government.

"Explanation:- The amount of pension or family pension in respect of the absorbed employee on retirement from the Public Sector Undertaking or on death shall be calculated in the same way as calculated in the case of a Central Government servant retiring or dying, on the same day"

(9) The pension of an employee under sub-rule (8) shall be calculated on fifty percent of emoluments or average emoluments, whichever is more beneficial to him.

...

(22) Nothing contained in sub-rules (13) to (21) shall apply in the case of conversion of the Departments of Telecom Services and Telecom Operations into Bharat Sanchar Nigam Limited, in which case the pensionary benefits including family pension shall be paid by the Government.

(23) For the purposes of payment of pensionary benefits including family pension referred to in sub-rule (22), the Government shall specify the arrangements and the manner including the rate of pensionary contributions to be made by Bharat Sanchar Nigam Limited to the Government and the manner in which financial liabilities on this account shall be met.”

A true copy of Rule 37A of the CCS (Pension) Rules, 1972 as amended on 21.12.2012 is attached herewith as **Annexure P-13 [Pg. __ to __]**.

20.02.2014 Order No. 4-12(11)/2012-PAT issued by DOT wherein the CGHS facilities were extended to BSNL retired employees who are in receipt of Central Civil Pension.

A true copy of the Order dated 20.02.2014 bearing No. 4-12(11)/2012-PAT is attached herewith as **Annexure P-14 [Pg. __ to __]**.

13.12.2015 DoT requested DPE to add the revision of pensionary benefits of BSNL & MTNL pensioners to the terms of reference of the 3rd PRC. [The said

document was received under the Right to Information Act, 2005.]

A true copy of the communication dated 13.12.2015 issued by DoT to DPE is attached herewith as **Annexure P-__ [Pg. __ to __]**.

[Note to Client: we can avoid filing this document in the Supreme Court]

20.07.2016 OM bearing No. 40-13/2013-Pen(T) issued by DoT regarding modifying the liability of BSNL towards payment of pensionary benefits to the retired employees. The said OM stated that the pension liability was to be solely borne by the Government and BSNL will have no liability thereof. BSNL continued to discharge pension liability by way of pension contribution in accordance with FR 116 and the Petitioners have contributed to this on their IDA Pay scale.

A true copy of the OM dated 20.07.2016 bearing No. 40-13/2013-Pen(T) issued by DoT is attached herewith as **Annexure P-15 [Pg. __ to __]**.

04.08.2016 Resolution issued by DoP&PW bearing reference No. 38/37/2016-P&PW(A) noting that the Government had accepted the recommendations on pensionary benefits to central government civil employees.

A true copy of the Resolution issued by DoP&PW bearing reference No. 38/37/2016-P&PW(A) is attached herewith as **Annexure P-__ [Pg. __ to __]**.

Notably, this document was filed by the Union of India at the time of final arguments before the Hon'ble High Court.

04.08.2016 OM bearing no. F.No.38/37/2016-P&PW(A) (i) issued by the DoP&PW regarding implementation of Government's decision on the recommendation of the 7th CPC of provisions regulating pension/ gratuity/ commutation of pension/ family pension/ disability pension/ex-gratia lump sum compensation, etc.

A true copy of the Resolution issued by DoP & PW bearing reference No. 38/37/2016-P&PW(A)-(i) is attached herewith as **Annexure P-__ [Pg. __ to __]**.

Notably, this document was filed by the Union of India at the time of final arguments before the Hon'ble High Court.

04.08.2016 OM No. F.No.38/37/2016-P&PW(A) (ii) issued by the DoP&PW in respect of implementation of pension revision as per the recommendations of the 7th CPC for pre-2016 pensioners/family pensioners.

Similar to the OM issued for implementation of the recommendations of the 6th CPC *vide* Order dated 01.09.2008, the said OM for 7th CPC was made applicable to all pensioners/family pensioners drawing pension/family pension before 01.01.2016 under the CCS (Pension) Rules, 1972.

The said OM extended to all pensioners and provided as under:-

“ The undersigned is directed to say that in pursuance of Government’s decision on the recommendations of Seventh Central Pay Commission, sanction of the President is hereby accorded to the regulation, with effect from 01.01.2016, of pension/ family , pension of all the pre-2016 pensioners/ family pensioners in the manner indicated in the succeeding paragraphs. Separate orders are being issued in respect of employees who retired/died on or after 01.01.2016.

.....

4.1 For existing pensioners, who have retired before 01.01.2016, the revised pension/family pension with effect from 01.01.2016 shall be determined by multiplying the pension/family pension, as had been fixed at the time of implementation of 6th Central Pay Commission (CPC) recommendations, by 2.57. The amount of revised pension/family pension so arrived at shall be rounded off to next higher rupee.

.....

7. *The cases of Central Government employees_ who have been permanently absorbed in public sector undertakings/autonomous bodies will be regulated as follows:-*

(a) PENSION

Where the Government servants on permanent absorption in public sector undertakings/ autonomous bodies continue to draw pension separately from the Government. the pension of such absorbees will be updated in terms of these orders. In cases where the Government servants have drawn one-time lump sum terminal benefits equal to 100% of their pensions and have become entitled to the restoration of one-third commuted portion of pension as per the instructions issued by this Department from time to time, their cases will not be covered by these orders. Orders for regulating pension of such pensioners will be issued separately.

(b) FAMILY PENSION

In cases where, on permanent absorption in public sector undertakings/autonomous bodies, the terms of absorption and/or the rules permit grant of family pension under the CCS (Pension) Rules, 1972 or the corresponding rules applicable to Railway employees/members of All India Services, the family pension being drawn by family pensioners will be updated In accordance with these orders.

.... ”

A true copy of the OM dated 04.08.2016 is attached herewith as **Annexure P-16 [Pg. __ to __]**.

- 16.03.2017** OM issued by DoT wherein the 7th CPC recommendation regarding revised payment of death gratuity as per OM dated 04.08.2016 was made applicable to the BSNL retired officers.

A true copy of the OM dated 16.03.2017 bearing No. 47-63/2015-Pen(T)(pt) issued by DoT is attached herewith as **Annexure P-17 [Pg. __ to __]**.

- 21.03.2017** Order issued by BSNL extending the applicability of the revised payment of death gratuity as per OM dated 04.08.2016 as directed by DOT *vide* OM dated 16.03.2017.

A true copy of the OM dated 21.03.2017 issued by BSNL is attached herewith as **Annexure P-18 [Pg. __ to __]**.

- 12.05.2017** In continuation of the OM dated 04.08.2016, DoP&PW issued another OM with respect to fixation of pension as per the 7th CPC for pensioners and family pensioners who retired or died prior to 01.01.2016. The said OM provided *inter alia:-*

“...

2. Based on the decisions taken by the Government on the recommendations of the 7th CPC, orders for revision of pension of pre-2016 pensioners/family pensioners in accordance with

second Formulation were issued vide this Department's OM No. 38/37/2016-P&PW (A) (ii) dated 04.08.2016. It was provided in this O.M. that the revised pension/family pension w.e.f. 1.1.2016 of pre-2016 pensioners/family pensioners shall be determined by multiplying the pension/family pension as had been fixed at the time of implementation of the recommendations of the 6th CPC, by 2.57.

...

12. The pension of the pensioners who are drawing monthly pension from the Government on permanent absorption in public sector undertakings/autonomous bodies will also be revised in accordance with these orders. However, separate orders will be issued for revision of pension of those pensioners who had earlier drawn one time lump sum terminal benefits on absorption in public sector undertakings, etc. and are drawing one-third restored pension as per the instructions issued by this Department from time to time.

... ”

Notably, the OM dated 12.05.2017 has been upheld by the Hon'ble High Court of Kerala at Ernakulam in O.P (Tribunal) No. 60 of 2020 titled “*All India BSNL Pensioners Welfare Association & Anr. vs. Union of India & Ors.*”.

A true copy of the OM dated 12.05.2017 is attached herewith as **Annexure P-18 [Pg. __ to __]**.

03.08.2017

OM issued by DPE notifying the recommendations of the 3rd Pay Revision Committee (“**PRC**”) for the CPSUs employees.

A true copy of the OM dated 03.08.2017 is attached herewith as **Annexure P-__ [Pg. __ to __]**.

28.08.2017 Representation made by All India Retired BSNL
04.09.2018 Executives Welfare Association/Petitioner No. 1 to
17.09.2018 the Hon'ble Minister of Communications seeking pension revision consequent to the recommendations of the 7th CPC.

A true copy of the Representation made by Petitioner No. 1 dated 28.08.2017 is attached herewith as **Annexure P-__ [Pg. __ to __]**.

A true copy of the Representation made by Petitioner No. 1 dated 04.09.2018 is attached herewith as **Annexure P-__ [Pg. __ to __]**.

A true copy of the Representation made by Petitioner No. 1 dated 17.09.2018 is attached herewith as **Annexure P-__ [Pg. __ to __]**.

04.07.2018 RTI response by DOT stating that the OM dated 04.08.2016 is applicable to only pro rata pensioners.

A true copy of the RTI response dated 04.07.2018 issued by DOT is attached herewith as **Annexure P-__ [Pg. __ to __]**.

[Note to Client: I will exclude this document from filing]

10.07.2018 OM issued by DPE stating that the recommendations of the 7th CPC, regarding raising

the Gratuity ceiling from Rs.10 lakhs to Rs.20 lakhs w.e.f. 01.01.2016 was not applicable to the employees of CPSEs. However, it is submitted that the BSNL retired officers were given the benefit of the 7th CPC as regards the increased gratuity.

A true copy of the OM dated 10.07.2018 is attached herewith as **Annexure P-19** [Pg. __ to __].

13.07.2018 RTI response issued by DoT stating that the Orders dated 04.08.2016 and 12.05.2017 regarding revision of pension of BSNL/MTNL pensioners/family pensioners as per the 7th CPC were applicable only to CDA pensioners drawing monthly pension on a pro rata basis, and were not applicable to the revision of pension of employees permanently absorbed in BSNL/MTNL from DoT drawing pension on the IDA scale in terms of Rule 37-A. It was further stated that the case of pension revision of the permanent absorbees in BSNL/MTNL would be taken up only as and when the 3rd PRC is implemented for the revision of pay scales of the serving employees in BSNL/MTNL.

A true copy of the RTI response dated 13.07.2018 issued by DoT is attached herewith as Annexure P-__ [Pg. __ to __].

[Note to Client: I will exclude this document from filing]

08.03.2019 Office Memorandum issued by DoP&PW wherein DoT was requested to examine the issue of revision of pension of the combined service pensioners of BSNL/MTNL.

A true copy of the Office Memorandum dated 08.03.2019 issued by DoP&PW is attached herewith as **Annexure P-20 [Pg. __ to __]**.

09.09.2020 Original Application No. 1272/2020 (“**Original Application**”) titled as “*All India Retired BSNL Executives Welfare Association & Ors. vs. Union of India & Ors.*” filed by the Petitioners before the Hon’ble Central Administrative Tribunal. Principal Bench, New Delhi, seeking *inter alia*:-

- (i) *Revision of pension/family pension/minimum pension w.e.f. 01.01.2017 for the BSNL combined service pensioners who were absorbed from DOT/DTS/DTO w.e.f. 01.01.2000 and retired prior to 01.01.2017 by applying the fitment formula on IDA pension as on 01.01.2017*
- (ii) *Revision of pension/family pension/minimum pension w.e.f. 01.01.2017 for the BSNL combined service Pensioners, who were absorbed from DOT/DTS/DTO w.e.f. 01.10.2000 analogous to the revision of pension/family pension/minimum pension for the Central Government Pensioners based on the recommendations of the 7th Central Pay Commission;*
- (iii) *Revision of the pension for BSNL combined service pensioners parallel to the revision of pension of the Central government servants without linking with Pay revision in BSNL*

A true copy of the Original Application No. 1272/2020 titled as “*All India Retired BSNL Executives Welfare Association & Ors. vs. Union of India & Ors.*” filed before the Hon’ble Central Administrative Tribunal, Principal Bench is attached herewith as **Annexure P-22** [Pg __ to __].

The Counter Affidavit filed by the Respondents (Union of India/DOT) in O.A. No. 1272/2020 is attached as **Annexure P-23** [Pg __ to __].

The Rejoinder filed by the Petitioners in O.A. No. 1272/2020 is attached as **Annexure P-24** [Pg __ to __].

Notably, the aforementioned Original Application was the lead petition before the Hon’ble Central Administrative Tribunal, Principal Bench, as also the lead petition before the Hon’ble High Court of Delhi. However, in the Impugned Judgment, while the reference is made to the prayer of the Original Application, the Impugned Judgment proceeds to consider the prayer made in another Original Application filed seeking similar reliefs by another association [O.A. No. 1329/2020 and W.P. (C) No. 4955/2024 in respect of “*All India BSNL Pensioners Welfare Association*”]

20.09.2023 The Hon’ble Central Administrative Tribunal, while allowing the Original Application, was

pleased to rely upon various documents, including, *inter alia*, the O.M. dated 05.07.1989, Cabinet Note dated 25.09.2000, and Orders/Circulars dated 09.11.2000, 14.01.2002 and 20.07.2016, amongst others, and directed the competent authority to revise the pension and family pension wherever applicable, strictly in accordance with the relevant rules and the entitlement governing pension to various sets of employees of the Central Government, maintaining strict parity. It was further directed that the benefits of revision of pension and family pension as notified by the Central Government on the recommendations of the Pay Commission, shall stand extended in favour of the Petitioners analogous to the revision of such pension in case of Central Government pensioners.

A true copy of the Final Order dated 20.09.2023 passed by the Hon'ble Central Administrative Tribunal, Principal Bench in Original Application No. 1272/2020 titled as "*All India Retired BSNL Executives Welfare Association & Ors. vs. Union of India & Ors.*" and other connected matters is attached herewith as **Annexure P-25 [Pg. __ to __]**.

01.04.2024 The Union of India, belatedly assailed the Final Order dated 20.09.2023 by filing W.P (C) 4946/2024 titled as "*Union of India & Ors. vs. All India*

Retired BSNL Executives Welfare Association & Ors..” before the Hon’ble High Court of Delhi (“**Writ Petition**”).

A true copy of W.P (C) 4946/ 2024 titled as “*Union of India & Ors. vs. All India Retired BSNL Executives Welfare Association & Ors.*” is attached herewith as **Annexure P-26 [Pg. __ to __]**.

The official Respondents filed three Writ Petition against the respective Original Applications, details of which are as under:

Writ Petition	Original Application	Associations
W.P (C) 4946/2024	O.A. 1272/2020	1. All India Retired BSNL Executives Welfare Association 2. Sanchar Nigam Pensioners Welfare Association
W.P (C) 4955/2024	O.A.. 1329/2020	All India BSNL Pensioners' Welfare Association
W.P (C) 4985/2024	O.A. 1271/2020	1. Retired Telecom Officers' Welfare Association, Delhi 2. Retired Telecom Officers' Welfare Association, Mumbai 3. MTNL Pensioners' Welfare Association

03.08.2024 Pursuant to an Order dated 01.08.2024 passed by the Hon’ble Delhi High Court, a Common Convenience Compilation was filed by the

Petitioners and Respondents in all the connected Writ Petitions.

06.08.2024 Written Submissions filed on behalf of the Petitioners herein and the other respondent associations in W.P (C) 4946 of 2024 and W.P (C) 4985 of 2024.

A true copy of the Written Submissions filed on behalf of the Petitioner herein in W.P (C) 4946 of 2024 is attached herewith as **Annexure P-27 [Pg. __ to __]**.

07.08.2024 Written Submissions filed on behalf of the Union of India/DOT in W.P (C) 4946 of 2024.

A true copy of the Written Submissions filed on behalf of the Union of India/DOT in W.P (C) 4946 of 2024 is attached herewith as **Annexure P-28 [Pg. __ to __]**.

08.08.2024 Documents filed on behalf of the Union of India/DOT filing certain Office Memorandums and orders issued by DOT and DOP&PW. Neither were these documents filed before the Hon'ble Central Administrative Tribunal, nor was any leave taken by the Hon'ble High Court to file these documents, as the same are unsupported by any application. The Official Respondents merely relied upon the same at the time of hearing, which

was permitted by the Hon'ble High Court of Delhi and relied upon in the Impugned Judgment too.

A true copy of the Index of the Documents filed by the Union of India/DOT before the Hon'ble High Court of Delhi is attached herewith as **Annexure P-29 [Pg. __ to __]**.

19.08.2025 The Writ Petition and connected matters were listed for final hearing, however, the Union of India/DOT on the even date filed an Additional Affidavit to place on record additional documents to bring on record the subsequent facts and documents.

Notably, some of the facts and documents were not subsequent and dated even before the filling of the Original Application and Writ Petition. The following was stated in the Additional Affidavit:

- OM dated 17.07.2018: DoP&PW states that the OM dated 04.08.2016 and 12.05.2017 issued for revision of pension w.e.f. 01.01.2016 is applicable to Central Government Civil Pensioners drawing pension on CDA pattern and is not applicable to the BSNL absorbee pensioners getting pension under IDA pattern.
- OM dated 27.03.2025: DoP&PW reiterated the clarification earlier issued

vide OM dated 17.07.2018. pension under IDA pattern.

- Proceedings arising from the Hon'ble Central Administrative Tribunal, Ernakulam Bench wherein benefit of the OM dated 12.05.2017 was sought by the Applicants therein (similarly situated persons like the Petitioners albeit claiming relief with different prayers).
 - (i) Order dated 30.10.2019 in O.A. No. 180/00346/ 2018 titled "*All India BSNL Pensioners' Welfare Association vs. Union of India & Ors.*"
 - (ii) Judgment dated 07.02.2025 in O.P (CAT) No. 60 of 2020 titled "*All India BSNL Pensioners Welfare Association & Anr. vs. Union of India & Ors.*"
 - (iii) Order dated 08.08.2025 passed by this Hon'ble Court in in SLP (Civil) Diary No. 39478 of 2025 titled "*Union of India & Ors. vs. P. Vadivel & Anr.*"

To ensure that no delay is further caused in the hearing of the matter on account of the Additional Affidavit being filed, it was submitted on behalf of the Petitioners' counsel that they will not be placing any reliance on the Judgment of the High Court of Kerala, Ernakulam in OP (CAT) No.60/2020, referred to hereinabove as the said Judgment pertained to an altogether different issue. This statement was being made in view of the fact that since several dates the Union of India/DOT had been taking time to argue the matter and in

view of the difference in prayers made by the Petitioners in the Original Application vis-à-vis the prayer made by the Applicants in the proceedings at Ernakulam, Kerala.

A true copy of the Order dated 19.08.2025 passed in W.P. (C) No. 4946/2025 and connected Writ Petitions is attached herewith as **Annexure P-29 [Pg. __ to __]**.

A true copy of the Additional Affidavit dated 19.08.2025 filed by the Union of India/DOT in the Writ Petition is attached herewith as **Annexure P-30 [Pg. __ to __]**.

A true copy of the OM dated 17.07.2018 issued by DoP&PW is attached herewith as **Annexure P-31 [Pg. __ to __]**.

A true copy of the OM dated 27.03.2025 issued by DoP & PW is attached herewith as **Annexure P-32 [Pg. __ to __]**.

13.09.2025 Reply to the Additional Affidavit filed on behalf of the Petitioners herein in the Writ Petition.

A true copy of the Reply dated 11.09.2025 to the Additional Affidavit filed by the Petitioners in the Writ Petition is attached herewith as **Annexure P-33 [Pg. __ to __]**.

10.10.2025 Rejoinder filed by the Union of India/DOT to the Reply filed on behalf of the Petitioner herein in the Writ Petition.

A true copy of the Rejoinder dated 10.10.2025 filed by the Union of India/DOT in the Writ Petition is attached herewith as **Annexure P-34 [Pg. __ to __]**.

19.11.2025 During the hearing of the Writ Petition and other connected matters, the Hon'ble High Court of Delhi passed an Order taking the submission of the Petitioners on record that they did not want refixation of their pay in terms of the 3rd PRC but placed reliance on the OM dated 04.08.2016 ,

A true copy of the Order dated 19.11.2025 passed by the Hon'ble High Court of Delhi in the Writ Petition & other connected Petitions is attached wherewith as **Annexure P-35 [Pg. __ to __]**.

28.04.2026 Final Arguments heard in the Writ Petitions &
12.05.2026 other connected Petitions by the Hon'ble High
21.05.2026 Court of Delhi.

28.05.2026 Written Arguments filed by the Petitioners herein
30.05.2026 as also the Union of India/DOT after Judgment had been reserved as directed by the Hon'ble High Court of Delhi *vide* Order dated 21.05.2026.

A true copy of the Written Arguments filed by the Petitioners in the Writ Petition is attached herewith as **Annexure P-36 [Pg. __ to __]**.

A true copy of the Written Arguments filed by the Union of India/DOT in the Writ Petition is attached herewith as **Annexure P-37 [Pg. __ to __]**.

01.07.2026 Impugned judgement passed by the Hon'ble Delhi High Court in W.P. (C) No. 4946/2024 titled as "*Union of India & Ors. vs. All India Retired Bharat Sanchar Nigam Limited Executive Welfare Association & Ors.*" and connected writ petitions wherein the Hon'ble High Court allowed the Writ Petitions thereby setting aside the Final Order passed by the Hon'ble Central Administrative Tribunal. Principal Bench dated 20.09.2023. The Impugned Judgment held as under:-

“...
CONCLUSION

269. Rule 37A of the CCS (Pension) Rules, 1972 prescribes special statutory framework governing erstwhile Government servants who were permanently absorbed in PSUs. Upon such absorption, the respondents ceased to be Government employees, their posts under the Government stood abolished and they were fitted under the IDA scale. Accordingly, consequent to such absorption, they shall be governed by the rules of the concerned PSU and be subjected to recommendations of the Pay Revision Committee. Hence, they cannot claim benefit of recommendations of the Central Pay Commission.

270. As per Rule 37A, while the Government bears the pensionary liability of the absorbed employees, such employees are still subject to sub-Rule 8 for the calculation of their pension. The source of payment does not determine the nature or extent of the right.

271. Properly construed, Sub-Rule 8 is nothing but a promise of extending the same formula to the absorbed employees which is applied for Central Government employees for the calculation of pension. The formula referred to is the one which shall be in force at the time of retirement or death of such absorbed employee. The Rule neither preserves the status of the absorbee as a Government servant nor creates a continuing right to claim every future benefit that may be extended to Central Government pensioners. Accordingly, this Rule does not entitle the respondents to any other benefit that may arise in the future after their retirement.

272. We accordingly hold that neither Rule 37A nor any of the Office Memoranda relied upon by the respondents confer a right upon combined service pensioners governed by the IDA regime to claim revision of pension pursuant to the recommendations of the 7th CPC. This is because the recommendations of the 7th CPC only apply to Central Government employees and absorbees of BSNL/MTNL who draw pension on pro-rata basis from the Government. The respondents do not fall under either category. Moreover, since the underlying pay structure applicable to the respondents has not been revised as per the 3rd PRC, the question of consequential revision of pension does not arise.

273. For all the aforesaid reasons, the impugned order dated 20.09.2023 passed by the learned Tribunal cannot be sustained and is set aside. Accordingly, this batch of writ petitions

stands allowed in the aforesaid terms. Pending applications, if any, stand disposed of. There shall be no order as to costs.”

___.08.2026 Certified copy of the Impugned Judgment received.

___.08.2026 Hence the present Special Leave Petition.

**PROCEEDINGS ARISING OUT OF OTHER BENCHES
OF THE HON’BLE CENTRAL ADMINISTRATIVE
TRIBUNAL ON THE SIMILAR ISSUE**

HYDERABAD BENCH

10.12.2018 Order passed by the Hon’ble Central Administrative Tribunal, Hyderabad Bench in O.A. No. 21/813/2017 titled “*MSS Ramchandra Murthy vs. Union of India & Ors.*”, whereby the O.A. preferred by a BSNL absorbee pensioner seeking revision of pension on the basis of the recommendations of the 7th CPC was dismissed, holding that the pay and pension of the absorbed employees are regulated by the Pay Revision Committee of the public sector undertakings and not by the Pay Commissions.

A true copy of the Order dated 10.12.2018 passed by the Hon’ble Central Administrative Tribunal, Hyderabad Bench in O.A. No. 21/813/2017 titled “*MSS Ramchandra Murthy vs. Union of India & Ors.*” is attached herewith as **Annexure P- 38 [Pg. __ to __]**.

11.01.2019 A review petition was filed against the said Order dated 10.12.2018 being R.A. No. 02 of 2019 in

O.A. No. 813 of 2017 which was dismissed by the Hon'ble Tribunal.

A true copy of the Order dated 11.01.2019 passed by the Hon'ble Central Administrative Tribunal, Hyderabad Bench in R.A. No. 02 of 2019 in O.A. No. 813 of 2017." is attached herewith as **Annexure P- 39 [Pg. __ to __]**.

19.02.2025 A writ petition was filed assailing the abovementioned orders in W.P. (SR) No. 14133/2019 which was dismissed for non-prosecution by the Hon'ble High Court of the State of Telangana at Hyderabad.

A true copy of the Order dated 19.02.2025 passed by the Hon'ble High Court of the State of Telangana at Hyderabad in W.P. (SR) No. 14133/2019 is attached herewith as **Annexure P- 40 [Pg. __ to __]**.

ERNAKULAM BENCH

30.10.2019 Order passed by the Hon'ble Tribunal, Ernakulam Bench in O.A. No. 180/00346/2018 titled "*All India BSNL Pensioners' Welfare Association vs. Union of India & Ors.*", whereby the O.A. seeking extension of the benefit of the OM dated 12.05.2017 to the pre-2006 DoT absorbed BSNL IDA pensioners was dismissed.

A true copy of the Order dated 30.10.2019 passed by the Hon'ble Tribunal, Ernakulam Bench is

attached herewith as **Annexure P- 41 [Pg. __ to __]**.

The above-mentioned Order was assailed before the Hon'ble High Court of Kerala at Ernakulam in O.P (CAT) No. 60 of 2020 titled "*All India BSNL Pensioners Welfare Association & Anr. vs. Union of India & Ors.*", which set aside the Tribunal's Order vide Judgment dated 07.02.2025 and the benefit of the DoP&PW's OM dated 12.05.2017 was extended to the pre-2006 DoT absorbed BSNL IDA pensioners.

A true copy of the Judgment dated 07.02.2025 passed by the Hon'ble High Court of Kerala at Ernakulam in O.P (CAT) No. 60 of 2020 titled "*All India BSNL Pensioners Welfare Association & Anr. vs. Union of India & Ors.*", is attached herewith as **Annexure P- 42 [Pg. __ to __]**.

The Union of India assailed the Judgment before this Hon'ble Court in Special Leave Petition (Civil) Diary No. 39478 of 2025 titled "*Union of India & Ors. vs. P. Vadivel & Anr.*" which was withdrawn vide Order dated 08.08.2025 with liberty to seek review of the Judgment dated 07.02.2025 before the Hon'ble High Court of Kerala at Ernakulam.

A true copy of the Order dated 08.08.2025 passed by this Hon'ble Court in Special Leave Petition

(Civil) Diary No. 39478 of 2025 titled “*Union of India & Ors. vs. P. Vadivel & Anr.*” is attached herewith as **Annexure P-43 [Pg. __ to __]**.

24.03.2026 The Review Petition filed by the Union of India/DOT was dismissed by the Hon’ble High Court of Kerala at Ernakulam in R.P. 1158/2025 in O.P. (CAT) No. 60/2020 observing that the OMs dated 17.07.2018 and 27.03.2025 were merely documents and cannot supersede the CCS Pension Rules.

Judgment dated 24.03.2026 passed in R.P. 1158/2025 in O.P. (CAT) No. 60/2020 by the Hon’ble High Court of Kerala at Ernakulam is attached herewith as **Annexure P-44 [Pg. __ to __]**.

[Note: SLP (C) No. ____ has been preferred by the Applicants assailing the Judgment dated ____ to the extent that the same was held only applicable to one person and not the Association]

BANGALURU BENCH

27.11.2019 Order passed by the Hon’ble Tribunal, Bengaluru Bench in O.A. No. 170/00116-134/2018 titled “*Vincent Furtado & Ors. vs. Union of India & Ors.*”, whereby the O.A. preferred by the BSNL absorbee pensioners was dismissed.

A true copy of the Order dated 27.11.2019 passed by the Hon’ble Central Administrative Tribunal,

Bengaluru Bench is attached herewith as
Annexure P-45 [Pg. __ to ____].

IN THE SUPREME COURT OF INDIA
(ORDER XXI RULE 3(1) (a))
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION
(Under Article 136 of the Constitution of India)

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2026

IN THE MATTER OF:

POSITION OF PARTIES

Before the
High Court

Before this
Hon'ble Court

**1. ALL INDIA RETIRED
BHARAT SANCHAR
NIGAM LIMITED
EXECUTIVE WELFARE
ASSOCIATION**

**RESPONDENT
NO. 1**

**PETITIONER
NO. 1**

Through its General
Secretary Shri Prahlad Rai
Registration Number:
S/00108/NE-/2010 C-8/230,
Having its office at:
8/230, Yamuna Vihar,
Delhi-110053

**2. SANCHAR NIGAM
PENSIONERS WELFARE
ASSOCIATION**

**RESPONDENT
NO. 2**

**PETITIONER
NO. 2**

Through its General
Secretary
Shri Girdhari Lal Jogi
Having its office at:

SNEA Bhawan, B-11/1&2,
Ground Floor, opposite. to
Sanatan Dharma Mandir,
Ramesh Nagar, New Delhi-
11001

VERSUS

- | | | |
|---|-------------------|-------------------|
| 1. UNION OF INDIA | PETITIONER | RESPONDENT |
| Through its Secretary, | NO. 1 | NO. 1 |
| Department of | | |
| Telecommunications, | | |
| Sanchar Bhavan, 20, Ashok | | |
| Road, | | |
| New Delhi- 110001 | | |
|
 | | |
| 2. BHARAT SANCHAR
NIGAM LTD. | PETITIONER | RESPONDENT |
| Through its CMD, | NO. 2 | NO. 2 |
| Having its registered office | | |
| at: Bharat Sanchar Bhawan, | | |
| Harish Chandra Mathur Lane, | | |
| Janpath, New Delhi-110001 | | |
|
 | | |
| 3. DEPARTMENT OF
PENSION &
PENSIONERS'
WELFARE | PETITIONER | RESPONDENT |
| Through its Secretary | NO. 3 | NO. 3 |

3rd Floor, Lok Nayak
Bhawan, Khan market,
New Delhi- 110003

4. DEPARTMENT OF PUBLIC ENTERPRISES Through its Secretary Public Enterprises Bhawan Block No.14, CGO Complex Lodhi Road, New Delhi- 10003	PETITIONER NO. 4	RESPONDENT NO. 4
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5. SHRI ASHIM KUMAR DEY Group: B Designation: Ex. Accounts officer, Calcutta Telephones, BSNL, Aged about 70 years S/o Late Shri Ramendra Dey R/o Kingshuk Apartment, 3 rd Floor, Flat-7, 344 Parnashree Pally, Kolkata -700060	RESPONDENT NO. 3	<i>PROFORMA RESPONDENT NO. 5</i>
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6. SHRI SUBHAS CHANDRA MITRA Group: C Designation: Ex TTA, Calcutta Telephones, BSNL Aged about 71 years S/O Late Shri Prafulla Chandra Mitra	RESPONDENT NO. 4	<i>PROFORMA RESPONDENT NO. 6</i>
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R/o 22 Hind Road, Flat 6, 3rd
Floor New Santoshpur,
Kolkata- 700075

7. SHRI GOPAL CHANDRA NASKAR	RESPONDENT NO. 5	<i>PROFORMA RESPONDENT NO. 7</i>
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Group: D

Designation: Ex Canteen

Bearer, Calcutta Telephones,

BSNL, Aged about 68 years

S/o Late Shri Bhusan

Chandra Naskar

R/o 41/A Biren Roy Road

(East), Kolkata – 700008

8. SHRI RAJENDRA SINGH	RESPONDENT NO. 6	<i>PROFORMA RESPONDENT NO. 8</i>
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Group: B

Designation: Ex SDE

Aged about 65 years

S/o Late Shri Sohan Singh

R/o 43, Shahbad Ext (Gail-

2), Sector 17, Rohini,

Delhi- 110081

9. SHRI KIRAN KUMAR PRABHAKAR	RESPONDENT NO. 7	<i>PROFORMA RESPONDENT NO. 9</i>
--	---------------------	--

Group: B

Designation: Ex SDE

Aged about 67 years

S/o Late Shri M. L.
Prabhakar
R/o Flat no 201, 2nd Floor,
BSNL Govt. Employee
Diamond CGHS LTD., Plot
no GHS-07, Sector 65,
Bullabgarh, Faridabad
121004

**10.SHRI S. SUNDARA
MURTHY**

Group: C

Designation: Telecom

Mechanic, Aged about 66

years, S/o Shri Saminathan

R/o 28, Tirupatcheeswaran,

Ayanavaram,

Chennai - 4000023

RESPONDENT
NO. 8

*PROFORMA
RESPONDENT
NO. 10*

**PETITION UNDER ARTICLE 136 OF THE CONSTITUTION
OF INDIA, 1950 AGAINST THE IMPUGNED JUDGMENT
DATED 01.07.2026 PASSED BY THE HON'BLE HIGH
COURT OF DELHI IN WRIT PETITION (CIVIL) NO. 4946
OF 2024 TITLED AS "UNION OF INDIA & ORS. VS. ALL
INDIA RETIRED BHARAT SANCHAR NIGAM LIMITED
EXECUTIVE WELFARE ASSOCIATION & ORS." AND
OTHER CONNECTED PETITIONS**

TO

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUDGES OF THE SUPREME COURT OF INDIA
THE HUMBLE PETITION OF THE PETITIONERS ABOVE
NAMED

MOST RESPECTFULLY SHOWETH:

1. The Petitioners abovenamed humbly seek Special Leave to Appeal under Article 136 of the Constitution of India, 1950 against the Judgment dated 01.07.2026 passed by the Hon'ble Division Bench of the High Court of Delhi in Writ Petition (Civil) No. 4946 of 2024 titled as '*Union of India & Ors. vs. All India Retired Bharat Sanchar Nigam Limited Executive Welfare Association & Ors.*' and other connected Writ Petitions (hereinafter the "**Impugned Judgment**").

By way of the Impugned Judgment, the Hon'ble High Court has set aside the Final Order dated 20.09.2023 passed by the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 1272/2020 and other connected applications, wherein the right of pension revision as per the recommendations of the 7th Central Pay Commission, of officers of BSNL/MTNL who were absorbed from Department of Telecom, was upheld in view of Rule 37A of the CCS (Pension) Rules, 1972 promulgated under Article 309 of the Constitution of India.

2. QUESTIONS OF LAW:

The instant Petition seeking Special Leave for Appeal raises the following important and substantial questions of law and public importance for consideration of this Hon'ble Court:

- A. Whether the interpretation of Rule 37A, CCS (Pension) Rules, 1972 to exclude the BSNL/MTNL absorbed officer's entitlement of pension revision defeats the very purpose with

which the same was enacted pursuant to the amendment of the CCS (Pension Rules), 1972 on 30.09.2000 to insert Rule 37A setting out the “*Conditions for payment of pension on absorption consequent upon conversion of a Government Department into a Public Sector Undertaking*”.

- B. Whether the interpretation of Rule 37-A, CCS (Pension) Rules as done by the Hon’ble High Court of Delhi, which renders an entire class of approximately 2.5 lakh statutorily protected BSNL/MTNL combined service pensioners making them incapable of ever receiving any revision of pension is violative of Articles 14 and 21 of the Constitution of India and with the rule of *construction ut res magis valeat quam pereat*?
- C. Whether the interpretation of the Hon’ble High Court tantamount to unreasonable classification of the Petitioners, all of whom form a homogeneous class of pensioners akin to government servants in view of Explanation to Sub-Rule (8) of Rules 37-A, CCS (Pension) Rules?
- D. Whether the Hon’ble High Court failed to appreciate the doctrines of promissory estoppel and legitimate expectation since BSNL/MTNL absorbed employees were given an assurance that they would be “*entitled to Government’s scheme of pension/family pension even after their absorption*” after which Rule 37A of the CCS (Pension) Rules, 1972 was amended.
- E. For that, BSNL/MTNL absorbed employees were given the benefit of pension revision on the recommendations of the 6th CPC in view of Rule 37A, CCS (Pension) Rules, 1972 and as such, are also entitled to revision of pension pursuant to the recommendations of the 7th CPC.

- F. Whether the Hon'ble High Court disregarded the amendment of the Rule 37-A, CCS (Pension) Rules wherein Explanation to Sub-Rule (8) was added as per which, the amount of pension or family pension in respect of the absorbed employee on retirement from the PSU or on death shall be calculated in the same way as calculated in the case of a Central Government servant retiring or dying, on the same day. Logically, this follows that the pension under Sub-Rule (8) of Rule 37-A of the CCS (Pension) Rules will be as per the admissible pension to a central government employee retiring on the same day.
- G. Whether the Impugned Judgment has made a fundamental error by not considering the prayer made by the Petitioners in before the Hon'ble Central Administrative Tribunal seeking revision of pension akin to central government employees as per 7th CPC, which was different than the prayer considered by the Hon'ble High Court in the Impugned Judgment, that was sought by another Applicant Association in the connected Writ Petition?
- H. Whether clarifications, letters and internal documents issued by the DOT and DOP&PW can be relied upon to cut down the ambit of a statutory rule framed under the proviso to Article 309 of the Constitution of India?
- I. Whether the dichotomy between "fixation" and "revision" of pension, upon which the Impugned Judgment wholly rests on, has any foundation in the language of Rule 37A of the CCS (Pension) Rules, 1972, and therefore, is a judicial gloss which supplies an exclusion that the rule-making authority consciously omitted?

- J. Whether the Impugned Judgment, being directly contrary to the Judgment dated 07.02.2025 of the High Court of Kerala at Ernakulam in O.P.(CAT) No. 60/2020 on the very same statutory question in respect of an identically placed BSNL absorbed employee, gives rise to a conflict between High Courts on the construction of a central statutory rule of an all India application, requiring interference and exercise of discretionary power vested with this Hon'ble Court?
- K. Whether the High Court has *ex facie* failed to take into account that nine recommendations of the 7th CPC have been extended to the BSNL/MTNL combined service pensioners pursuant to OM dated 04.08.2016, which could not have been done if their status upon retirement was not akin to their counterparts in the government.
- L. Whether in the absence of any finding of perversity, jurisdictional error or manifest illegality, the Hon'ble High Court having settled limits of interference under Article 226 and 227 could undertake a *de novo* appreciation of the entire documentary record along with additional documents which were never filed by the official Respondents before the Hon'ble Tribunal or the Writ Petition, and was merely an index of documents in the form of office memorandums introduced at the stage of final arguments.
- M. Whether the withholding of any revision of pension for over nineteen years, leaving Group 'D' pensioners and family pensioners at a meagre Rs. 3,500/- per month as against a minimum pension of Rs. 9,000/- per month for Central Government pensioners, is consistent with the right to live

with dignity guaranteed by Article 21 of the Constitution of India?

3. **DECLARATION IN TERMS OF RULE 3 (2):**

The Petitioners states that no other Petition seeking leave to appeal has been filed by Petitioners against the Impugned Judgment dated 01.07.2026 passed by the Hon'ble High Court of Delhi in Writ Petition (Civil) No. 4946 of 2024 titled as '*Union of India & Ors. vs. All India Retired Bharat Sanchar Nigam Limited Executive Welfare Association & Ors.*'

4. **DECLARATION IN TERMS OF RULE 5:**

The Annexure P-1 to P- produced along with the special leave petition is true copies of the pleadings / documents, which formed part of the records of the case before the courts below against whose order the leave to appeal is sought for in this petition.

5. **GROUND:**

The Special Leave to Appeal is sought for on the following amongst other grounds: -

- A. Because the Impugned Judgment passed by the Hon'ble Division Bench of the Hon'ble High Court is *ex-facie* contrary to the statutory framework of Rule 37-A, CCS (Pension) Rules, 1972 promulgated under Article 309 of the Constitution of India.
- B. Because the Impugned Judgment failed to appreciate that pension is payable, as pointed out in several judgments of this Hon'ble Court, on the consideration of past service rendered

by the government servant and is to provide sustenance in old age. For that, the interpretation of Rule 37-A, CCS (Pension) Rules, 1972 that the same does not provide for pension revision defeats the very purpose by which the provision of pension was made applicable to the Petitioners at the time of their absorption in BSNL/MTNL.

- C. Because the Impugned Judgment consist of several surmises and conjectures and has fundamentally proceeded to deal with a relief not claimed by the Petitioners herein and has mixed up pleadings and issues raised by the respective Associations in the three connected Writ Petitions.

INCORRECT INTERPRETATION OF RULE 37-A, CCS (PENSION) RULES, 1972

- D. Because the finding of the High Court that there is no provision of pension revision in Rule 37-A of the CCS (Pension) Rules, 1972 is *ex facie* contrary to the statutory scheme for which the same was enacted viz., “*Conditions for payment of pension on absorption consequent upon conversion of a Government Department into a Public Sector Undertaking*”.
- E. Because even Rule 44 of the CCS (Pension) Rules, 1972 which sets out the amount of Pension for government servants does not set out any specific provision for pension revision, and the same has been done pursuant to the Office Memoranda issued by the DoP&PW as per the recommendations of the 6th & 7th CPC. As such, the narrow interpretation of Rule 37-A thereby seeks to classify the pensioners which is violative of Article 14 of the constitution.

- F. For that, the OM dated 04.08.2016 issued by DoP&PW clearly mentions that the same is applicable to all pensioners/family pensioners drawing pension/family pension before 01.01.2016 under the CCS (Pension) Rules, 1972, and therefore, covers the Petitioners who were drawing pension as per the said Rules.
- G. Because while the Hon'ble High Court has extensively dealt with Sub-Rule (4) of Rule 37-A to hold that the Petitioners cease to be government employees upon their retirement, the same is being read in isolation and ignorance of Sub-Rule (8), (9), (22), (23) & (24) of Rule 37-A. In this regard, it is submitted that the Petitioner's had never sought to claim equity or parity with central government employees except in so far as pension is concerned despite them having ceased to be government employees. This was only in view of Sub-Rule (8) of Rule 37-A which guaranteed the Petitioners pension at par with their counterparts in the government.
- H. Because while the Petitioners ceased to be government employees upon their absorption, their status of pensioners upon retirement continued pursuant to Rule 37-A (8) of the CCS (Pension) Rules, 1972.
- I. Because the Hon'ble High Court failed to appreciate that the word "*formula*" in Rule 37-A (8) has been explained by BSNL in the letter dated 14.01.2002 being the general terms and conditions of absorption wherein DOT clarified that "*that the word 'formula' mentioned in clause 8 of Rule 37 - A means payment of pension as per Government Rules in force at that time.*" As such, the Hon'ble High Court failed to take into account the assurance and clarification given by DOT at

the time of absorption, basis which the pension revision of the employees took place upon implementation of the recommendations of the 6th CPC.

- J. Because the Hon'ble High Court failed to appreciate that Sub-Rule (8) of Rule 37-A of the CCS (Pension) 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 37-A 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.
- K. Because the construction adopted by the Hon'ble High Court produces a result which no rule-making authority could conceivably have intended, namely a class of approximately 2.5 lakh pensioners whose pension is admittedly paid by the Union out of the Consolidated Fund of India under a statutory rule framed under the proviso to Article 309, and whose pension can nevertheless never be revised. The High Court held the recommendations of the Central Pay Commission inapplicable (paragraphs 251, 256 and 272), and simultaneously held that revision can only follow implementation of the 3rd Pay Revision Committee, which is contingent upon the profitability of a loss-making Public Sector Undertaking that bears no pensionary liability (paragraph 236). The necessary and inescapable consequence

is a perpetual freeze. As such, a construction of a statutory rule which produces such a result ought to be rejected.

**FAILURE TO CONSIDER THE CORRECT PURPORT
OF SEVERAL OFFICE MEMORANDA ASSURING
THE BSNL/MTNL COMBINED SERVICE
PENSIONERS OF PENSION AS PER GOVERNMENT
SCHEME OF PENSION**

L. Because the Hon'ble High Court failed to appreciate the following assurance of the DOT & DoP&PW as mentioned in several office memoranda which substantiate the entitlement of the Petitioners to have their pension revised akin to the government servants. The Hon'ble Central Administrative Tribunal, Principal Bench had meticulously examined these documents which have been ignored by the Hon'ble High Court. The following rules/office orders/notifications are relevant: viz.:

S. No.	Document	Relevant portion
1.	05.07.1989	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	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.
3.	30.09.2000	Rule 37-A of the CCS (Pension) Rules, 1972 governs the Respondents' pension.
4.	09.11.2000	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	Clause 5 of the terms & conditions of the circular calling for absorption, 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	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.
7.	02.09.2008	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	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.
9.	15.03.2011	OM issued by DOT for revision of pension after the 6 th CPC and the benefit were to reach the pensioners expeditiously
10.	20.07.2016	OM issued by DOT wherein the entire pension liability of the absorbed officers would remain with the Govt. of India
11.	04.08.2016	OM issued by DoP&PW for implementation of 7 th CPC. Para 1 extends this to all pensioners/family pensioners. Para 7 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
12.	21.03.2017	Order issued by BSNL extending benefits of the 7 th CPC in terms of the OM dated 04.08.2016.
13.	12.05.2017	OM issued by DoP&PW for implementation and revision of pension as per 7 th CPC and at Para 12, the pensioners who are drawing pension from the Government upon permanent

		absorption in PSUs/autonomous bodies was to be revised.
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PENSION REVISION IS NOT LINKED WITH PAY REVISION

- M. Because pension revision and pay revision have no relation whatsoever in so far as the combined service BSNL Pensioners are concerned, since the pension of the latter is to be borne by the Government by virtue of Rule 37-A of the CCS (Pension) Rules. 1972.
- N. For that, as per Rule 22 of Rule 37-A of CCS (Pension) Rules, 1972, pensionary benefits are to be borne by the Government, and therefore, absence of pay revision of BSNL in view of the affordability clause cannot be a ground for denial of pension revision to the Applicants herein whose pension is to be paid by the Government as no affordability clause is applicable for them. For that, pension revision cannot, therefore, be linked to pay revision.
- O. Because the revision of pension/family pension and pay revision for the serving employees of BSNL have no relation whatsoever in so far as the combined service BSNL Pensioners are concerned, since the pensioners have no role in the financial status of the Company since they do not and cannot contribute to the financial growth/ decline of the Company. In fact, the pension contribution of all the combined service BSNL Pensioners has already been made to DOT as per the provisions of Rule 37-A and that too of the maximum of their pay scales.

P. For that, the DOT cannot be permitted to take a contrary stand that (i) pension revision is linked to pay revision and (ii) BSNL absorbees are on IDA scale and the recommendations of the 7th Central Pay Commission are only applicable to employees on CDA Pay scale. This is particularly since it has itself implemented the recommendations of the Central Pay Commission in favour of the BSNL Pensioners, and therefore, cannot approbate and reprobate.

Q. Because FR 116 & 117 under Chapter XII of the Fundamental Rules which are applicable to government servants deal with the rates of pension contribution prescribed to secure to the Government servant the pension that he would have earned by service under Government if he has not been transferred to foreign service. Pension Contribution is payable by BSNL in respect of all those categories of employees working in BSNL on deemed deputation as per rates of contribution prescribed in the F.R. under Rule 116 & 117.

For that, it is evident that payment of pension to BSNL Pensioners is analogous to that of the Central Government Pensioners, and therefore, the BSNL Pensioners are entitled to Pension Revision on the basis of the pension drawn by a Central Government Pensioner.

INFIRMITIES IN THE IMPUGNED JUDGMENT

R. Because the Hon'ble High Court failed to appreciate that the Hon'ble Central Administrative Tribunal, Principal Bench *vide* the Final Order, 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. However, the Hon'ble High Court has now restricted entitlement of pension revision of the Petitioners under Rule 37-A of the CCS (Pension Rules), 1972.

- S. Because the Hon'ble High Court has read the Explanation of Sub-Rule (8) out of the Rule. The Impugned Judgment proceeds upon a fundamental misreading of Rule 37-A (8) of the CCS (Pension) Rules, 1972 in holding (at paragraphs 123, 124, 148, 179, 228 to 230 and 271) that the sub-rule extends only the “*formula for calculation of pension*” at the moment of retirement and exhausts itself thereupon. The sub-rule, read with the Explanation inserted by Notification No. 4/61/99-P&PW(D) dated 28.12.2002, states that “*the amount of pension or family pension in respect of the absorbed employee on retirement from the Public Sector Undertaking or on death shall be calculated in the same way as calculated in the case of a Central Government servant retiring or dying, on the same day*”. The Explanation speaks of the amount of pension, which has to be calculated in the case of a central government servant, which if enhanced logically has to be enhanced for a BSNL/MTNL absorbed employee too. Such a pedantic and narrow interpretation to rules governing pension ought not to be permitted.
- T. BECAUSE the dichotomy between “fixation” and “revision” of pension propounded at paragraph 178, on which the entire

judgment turns, has no textual foundation whatsoever in Rule 37-A. The words “*in accordance with the formula for calculation of such pensionary benefits as may be in force at the time of his retirement*” identify which formula is to be applied; they do not purport to extinguish the pensioner’s right of pension revision.

U. For that, legislative silence upon revision cannot be converted into a legislative prohibition against revision. Once the Rule places the absorbee within the CCS (Pension) Rules, 1972 for the purpose of his pension, every incident of that status, including periodic revision, follows unless expressly excluded; and it is not excluded.

V. Because the Hon’ble High Court failed to appreciate that a pension frozen at 2007 is not, in any constitutional sense, a pension at all. Pension is not a bounty but a deferred wage and a measure of socio-economic justice, and its periodic revision exists to preserve its real value against the erosion of inflation. That the lowest paid amongst the Petitioners Group ‘D’ pensioners and family pensioners continue to subsist upon Rs. 3,500/- per month, as against the minimum of Rs. 9,000/- per month payable to a Central Government pensioner, is a state of affairs incompatible with Article 21 of the Constitution of India.

W. Because the finding that the Office Memoranda dated 01.09.2008, 02.09.2008, 04.08.2016 and 12.05.2017 are confined to “pro-rata pensioners” produces a manifest absurdity in the context of BSNL/MTNL. It was the Petitioners’ specific and unrebutted case that the General Terms and Conditions floated with the Option Forms dated

14.01.2002 offered no option of pro-rata pension whatsoever, and that the pro-rata option was introduced into Rule 37-A(8) only by S.O. 1487(E) dated 14.10.2005, five years after absorption. There are, therefore, no pro-rata pensioners amongst the BSNL absorbees. The High Court dealt with this plea in a single sentence at paragraph 265 observing that *“Even assuming this contention to be correct, it does not alter the legal position”*, without giving any explaining as to the effect of pro rata pensioners, when none exist in BSNL.

X. Because the classification between pro-rata pensioners and combined service pensioners, upheld at paragraphs 165, 241 and 263 of the Impugned Judgment, fails the twin test under Article 14 of the Constitution of India. Both classes comprise erstwhile Central Government servants; both draw pension under the same CCS (Pension) Rules, 1972; both are paid from the Consolidated Fund of India; and both earned that pension by the very same Government service. The only distinction lies in the arithmetic by which the pension is computed which may bear a nexus with computation. However, it bears none whatsoever with the object of periodic revision, which is to preserve the real value of pension. The classification operates perversely, visiting the harsher consequence upon those who rendered the longer Government service and who elected the combined service route which Rule 37-A was framed to protect.

Y. Because the treatment of gratuity is by itself decisive of the controversy and has been misplaced at paragraphs 205, 224 and 252 of the Impugned Judgment. The DOT *vide* OM No. 47-63/2015-Pen(T)(pt) dated 16.03.2017, and BSNL by

Order No. 48-11/2016-Pen(B) dated 21.03.2017, extended the 7th CPC gratuity ceiling of Rs. 20,00,000/- to the Petitioners with effect from 01.01.2016, being the cut-off date of the 7th CPC itself. The DPE *vide* OM No. W-02/0036/2018-DPE(WC)-GL-XIX/18 dated 10.07.2018, expressly declined that very benefit to employees of CPSEs, who received it only from 29.03.2018. The Petitioners were thus placed on the CPC timeline and not on the PRC timeline. The High Court's explanation, that gratuity "forms part of the pensionary formula" under Rule 37-A(8), merely reiterates the Petitioners' own case, since revision of pension is equally an integral component of the Government's scheme of pension.

Z. Because the finding that "revision of pension is dependent on the revision of pay" (paragraphs 235, 237, 261 and 272) is contradicted by the own antecedent conduct of DOT, which the Hon'ble High Court noted but did not reconcile. The Petitioners' pension was revised with effect from 01.01.2007 by DoT *vide* OM No. 40-17/2008-Pen(T)-Vol.III dated 15.03.2011. It is admitted that the 2nd PRC contained no recommendation upon revision of pension and therefore the characterisation of the OM dated 15.03.2011 as "*nothing but the acceptance of the recommendations of the 2nd PRC*" (paragraph 193) is *ex facie* contrary to the record and demonstrates a complete non-application of mind.

AA. Because the Hon'ble High Court overlooked the true effect of DoT OM No. 40-13/2013-Pen(T) dated 20.07.2016, by which the DOT expressly rescinded the condition limiting its annual pension liability to 60% of its annual receipts from BSNL and assumed the entire liability while BSNL continued

to discharge its obligation only by way of pension contribution under Fundamental Rule 116. As such, having assumed unqualified liability in 2016, the DOT cannot in 2026 plead the incapacity and loss attributable to BSNL. The finding at paragraph 196, that the OM “*pertains solely to the incidence of pensionary liability*”, completely misses the point and it is precisely the incidence of liability which destroys the affordability defence sought to be raised by DoT time and again by linking pension revision with pay revision.

BB. Because the Judgment in ***VSNL v. Ajit Kumar Kar, (2008) 11 SCC 591*** (paragraphs 109, 225 and 233) has no application to the facts of the present case since the retirees therein drawing pension on the IDA pattern claimed dearness relief at CDA rates. The Petitioners claim nothing of the kind. They expressly disclaim any dearness relief at CDA rates and, as recorded at paragraph 97 of the Impugned Judgment. The Petitioners merely seek revision of pension akin to the government servants and therefore, confined their prayer on 19.11.2025 to the application of the same revision multiplier to their own pension computed on the IDA pattern.

CC. Because sub-rule (10) of Rule 37-A entitles the absorbee, “*in addition to pension or family pension*”, to dearness relief on the Industrial Dearness Allowance pattern. Dearness relief is by definition a post-retirement entitlement which is periodically enhanced. It’s very presence in the said Rule demonstrates that the rule-making authority did contemplate benefits accruing to the absorbee after retirement. The finding at paragraph 271 of the Impugned Judgment, that Rule 37-A “*does not entitle the Respondents to any other benefit that may*

arise in the future after their retirement”, cannot stand alongside sub-rule (10) of Rule 37-A. For that, the Hon’ble High Court ought to have drawn aid from sub-rule (10) of Rule 37-A to correctly interpret the entitlement of pension revision of the Petitioners under sub-rule (8) of Rule 37-A.

- DD. Because the Hon’ble High Court erred in discarding the Cabinet Note dated 25.09.2000 as a mere “*administrative proposal*” devoid of the force of law (paragraph 138), while simultaneously elevating the subsequent executive clarifications of DOT into decisive aids to construction. The Cabinet Note recorded the approval that “*all employees will be entitled to Government’s scheme of pension/family pension even after their absorption*” and that “*payment of pension would be made by the Government*”. That approval was reiterated to the employees themselves by DoT Circular No. 36-15/2000-Pen(T) dated 09.11.2000, and it was upon that representation that the Petitioners exercised an irreversible option surrendering the constitutional protection of Article 311. The doctrines of promissory estoppel and legitimate expectation are squarely attracted, and the Union cannot resile from an assurance which was thereafter given statutory form.
- EE. Because the reasoning at paragraph 136 that the very fact that an option was offered “*does not leave room for the possibility that the absorbees were promised retention of their Government service conditions*” is a non-sequitur since the Petitioners’ case has never been that they remained Government servants for all purposes; it is only that the pensionary limb of their service conditions was expressly

preserved, and that Rule 37-A is the very instrument of that preservation.

FF. Because the impugned Judgment creates a direct conflict between High Courts upon the construction of a central statutory rule of all-India application. The Hon'ble High Court of Kerala at Ernakulam, by Judgment dated 07.02.2025 in O.P.(CAT) No. 60/2020, upheld the applicability of the OM dated 12.05.2017 to an identically placed BSNL absorbee. The Hon'ble High Court of Delhi has now taken a diametrically opposite view, dismissing the Kerala decision as merely of "*persuasive value*" (paragraph 268). Consequentially, identically placed pensioners drawing pension under the same central Rule stand differently treated according to the State in which they happen to litigate and the conflict has to be resolved by this Hon'ble Court.

GG. Because the Hon'ble High Court exceeded the limits of its jurisdiction under Article 226 and 227 of the Constitution of India. Having itself recorded at paragraph 102 that re-appreciation of evidence is impermissible unless the order of the Ld. Tribunal is rendered *dehors* its jurisdiction, is perverse, or suffers from manifest illegality or procedural irregularity, the Hon'ble High Court proceeded over some one hundred and seventy paragraphs to undertake a *de novo* appreciation of every Office Memorandum, circular, note and clarification on the record, and to substitute its own view for that of the Division Bench of the Tribunal. No finding of perversity was returned. The view taken by the Ld. Tribunal was, at the lowest, a plausible view upon the material before it, and interference was therefore not warranted.

HH. Because the Hon'ble High Court did not deal at all with the Petitioners' plea, specifically pressed in their Written Arguments, that a substantial body of documents relied upon by the Union of India in the writ proceedings had never been placed before the Tribunal. As such, a writ court examining the correctness of an order of the Ld. Tribunal cannot permit a party to improve its case upon material which the Ld. Tribunal never had occasion to consider. Although the Hon'ble High Court declined at paragraph 267 to rely upon two such documents, the remaining material of the same character was not similarly excluded.

**LEGITIMATE EXPECTATION OF PENSION
REVISION AS PER THE STAND TAKEN BY THE
GOVERNMENT OF INDIA**

- II. Because at the time of absorption by BSNL, the combined service BSNL Pensioners, after much agitation, were able to ensure that their status as a government servant upon retirement is not hindered on account of being absorbed in BSNL, a public sector undertaking, which led to amendment of Rule 37 of the CCS (Pension) Rules, 1972 by insertion of Rule 37-A and therefore, cannot be denied the benefit of pension revision as has been done in respect of other government pensioners.
- JJ. Because pursuant to absorption, the DOT *vide* an OM dated 09.11.2000 categorically mentioned that the “*employees of DOT who will be absorbed in Bharat Sanchar Nigam Limited (BSNL) will be entitled to the Government's scheme of pension/family pension even after their absorption in*

BSNL...”. For that, Government’s scheme of pension/family pension means and includes revision of Pension/family Pension, Revision of minimum pension, qualifying service for full pension, limit of DCRG, commutation of Pension, method of calculation of pension, restoration /increase in pension, leave encashment etc.

KK. Because at the time of absorption, the assurance that the absorbed employee would retain the status of a government servant was one of the biggest incentives that led the Petitioners choosing absorption in BSNL, for which purpose Rule 37 of the CCS (Pension) Rules, 1972, were amended to add Rule 37-A. At this juncture, while the DOT employees have the benefit of the recommendations of the 7th Central Pay Commission’s revised pension, the Petitioners herein have been arbitrarily denied pension revision.

LL. Because the pension contribution of all the combined service BSNL Pensioners has already been made to DOT as per the provisions of Rule 37-A and that too of the maximum of their pay scales and at this stage, when the Applicants who are all Senior Citizen with a legitimate expectation to reap the benefits of their service, are being arbitrarily classified by the DOT to withhold and withdraw benefits that would have normally accrued to them had they not chosen absorption in BSNL and continued to remain in government service.

MM. Because the last pension revision in respect of the Applicants was done almost 19 years ago on 01.01.2007. For that, with the increase in price index, inflation, cost of living and expenses, pension revision is essential. For that, the recommendations of the 7th Central Pay Commission took

note of these aspects and had recommended pay and pension revision.

NN. Because many of the combined service pensioners who have retired from BSNL have a combined service in Government/DoT of nearly 30 to 35 years of which a substantial part has been spent in DOT with a miniscule portion in BSNL. However, their pension revision has not been implemented for them at par with their counterparts who retired from Government service which is arbitrary

OO. Because, out of 3.5 lakhs absorbed officers of BSNL/MTNL, there are only about 17,000 in service at the beginning of 2026 and are going to retire by the end of this year. As such, in 2027, no absorbed officer will remain in BSNL/MTNL. For this reason, linking pension revision with pay revision of BSNL/MTNL employees is *ex facie* illogical and without any basis.

PP. Because the Impugned Judgment, if allowed to stand, will operate as a binding precedent governing the pensionary entitlements of every Government servant absorbed into a Public Sector Undertaking under Rule 37-A across the country, and will hold that such absorbees, though drawing pension under the CCS (Pension) Rules and from the Consolidated Fund of India, are for all time incapable of receiving any revision thereof. The question is therefore one of substantial and general public importance.

QQ. Any other grounds with the permission of this Hon'ble Court.

7. **MAIN PRAYER:**

In the above facts and circumstances of the case it is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Grant special leave to appeal against the Impugned Judgment dated 01.07.2026 passed by the Hon'ble Division Bench of the High Court of Delhi in Writ Petition (Civil) No. 4946 of 2024 titled as '*Union of India & Ors. vs. All India Retired Bharat Sanchar Nigam Limited Executive Welfare Association & Ors.*' and other connected petitions;
- b) Pass such other order or orders which this Hon'ble Court may deem fit and proper in the interest of justice.

AND FOR THIS ACT OF KINDNESS AND JUSTICE THE PETITIONERS SHALL AS IN DUTY BOUND EVER PRAY.

SETTLED BY:

MR. NIDHESH GUPTA
SENIOR ADVOCATE

DRAWN BY:

MS. GAURI PURI
MR. KASHISH BHARDWAJ
ADVOCATES

FILED BY:

SONALI JAIN
ADVOCATE FOR THE PETITIONERS

DRAWN ON: __.08.2026

FILED ON: __.08.2026

NEW DELHI

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CIVIL) NO. OF 2026

IN THE MATTER OF:-

ALL INDIA RETIRED BHARAT SANCHAR
NIGAM LIMITED EXECUTIVE WELFARE

ASSOCIATION & ORS.

...PETITIONERS

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

CERTIFICATE

Certified that the Special Leave Petition is confined only to the pleadings before the Court whose order is challenged and the documents relied upon in those proceedings. No additional facts, documents or grounds have been taken upon therein or relied upon in the Special Leave Petition. It is further certified that the copies of the documents/annexures attached to the Special Leave Petition are necessary to answer the questions of law raised in the Petition or to make out grounds urged in the Special Leave Petition for the consideration of this Hon'ble Court. This certificate is given on the basis of the instructions given by the Petitioners whose affidavit is filed in support of the SLP.

FILED BY

SONALI JAIN

ADVOCATE FOR THE PETITIONERS

Filed on: _____.08.2026

New Delhi