

13

**Central Administrative Tribunal, Principal Bench**

**Original Application No.796 of 2002**  
M.A.No.656/2002

New Delhi, this the 29th day of April, 2003

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman**  
**Hon'ble Mr. Govindan S. Tampi, Member (A)**

1. Telecommunication Engineering Services  
Association (India),  
through its General Secretary Shri S. Basu  
s/o late Shri P.B. Basu,  
R/o 160, Sector 3  
R.K. Puram, New Delhi-22
2. Shri P.C. Saraswat  
s/o Shri S.C. Saraswat  
Junior Telecommunication Officer,  
B-60, 3rd Floor,  
Pandav Nagar,  
Delhi-92

.... Applicants

(By Advocate: Shri R.K. Kapoor with Shri M.K. Verma)

Versus

1. The Union of India  
Through its Secretary,  
Department of Telecommunication  
Sanchar Bhawan,  
20, Ashoka Road,  
New Delhi
2. The Chairman  
Telecommunication Commission  
Ministry of Communications  
Sanchar Bhawan,  
20, Ashoka Road,  
New Delhi-1
3. The Secretary,  
Department of Personnel & Training,  
North Block,  
New Delhi-1
4. Mahanagar Telephone Nigam Limited,  
through its Chairman-cum-Managing Director,  
Jeevan Bharti Building,  
Connaught Circus,  
New Delhi-1

.... Respondents

(By Advocate: Shri V.K. Rao)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

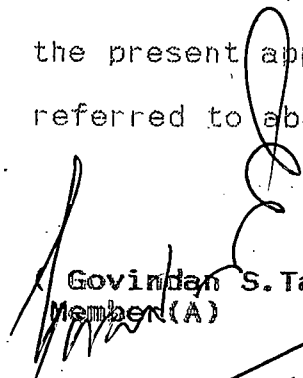
Earlier this matter had come up for hearing and  
it was adjourned because of the fact that O.A.1321/2002

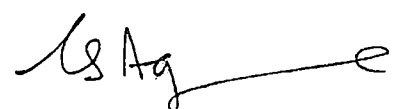
*BS Aggarwal*

involving a similar controversy was pending and we were informed that the matter has been heard but the order has not been pronounced.

2. Our attention has been drawn towards the decision of this Tribunal in O.A.1321/2002 rendered on 23.4.2003. Therein, a similar relief like the present application had been claimed that the pensionary benefits so far as the officers like the applicants are concerned who opt for absorption in MTNL, should be governed by Rule 37-A of CCS (Pension) Rules, 1972 as inserted vide CCS (Pension) Amendment Rules, 2000 and for quashing of the order of 8.4.2002. This Tribunal had directed that the order of 8.4.2002 is quashed and a further direction has been issued that provisions of Rule 37-A inserted in CCS (Pension) Rules w.e.f. 13.9.2000 are directed to be made applicable to all those like the applicants who have not been absorbed in MTNL till that date.

3.. Similar relief has been claimed by the present applicants who are similarly situated. Otherwise also, the order passed in O.A.1321/2002 has to be made applicable to all similarly situated persons. Therefore, we dispose of the present application on the same lines as O.A.1321/2002, referred to above.

  
(Govindan S. Tampi)  
Member (A)

  
( V.S. Aggarwal )  
Chairman

/dkm/