

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD



OA/021/01005/2019
Date of Order : 06-02-2020

HYDERABAD, this the 06th day of February, 2020.

THE HON'BLE MRS.NAINI JAYASEELAN: ADMINISTRATIVE MEMBER

B.M.Nirmana D/o Late K.Muthu Swamy,
Aged about 60 years, Group 'C',
Occ : Retired Office Superintendent (General),
O/o Customer Service Centre,
Bharat Sanchar Nigam Limited,
Kushaiguda, Hyderabad,
R/o Plot No.112(A), H.No.30-136/7/7/4/1,
Sudha Nagar Colony, Old Safilguda,
Secunderabad-500062.

(By Advocate : Dr.A.Raghuram) ...Applicant

Vs.

1. Union of India rep by Secretary,
Department of Telecommunications,
20 Ashoka Road, New Delhi – 1.
2. The Principal Controller of Communication
Accounts, Kavadiguda, Hyderabad.
3. The Bharat Sanchar Nigam Limited,
Rep by its Chairman cum Managing Director,
BSNL Corporate Office, Barakumba Road,
Statesman House, New Delhi 1.
4. The Chief General Manager,
Telangana Telecom Circle (BSNL),
Door Sanchar Bhavan, Nampally Station
Road, Abids, Hyderabad – 500001.
5. The Principal General Manager,
Hyderabad Telecom District, BSNL,
BSNL Bhavan, Adarshnagar, Hyderabad.
6. The Accounts Officer (P&C) N,
O/o Principal General Manager, North,
CTO Building, Secunderabad.

OA/021/01005/2019

(By Advocates : Mrs.K.Rajitha, Sr. CGSC for R-1 & Mr.M.C.Jacob, SC for



(Oral Order per Hon'ble Mrs. Naini Jayaseelan, Administrative Member)

This OA is filed under section 19 of the Administrative Tribunals Act, 1985, for the following relief :

“ In view of the above facts and circumstances the applicant herein prays that this Hon’ble Tribunal may be pleased to declare the inaction of the respondents in settling pension and pensionary benefits of the applicant on her retirement on 28.02.2019 on attaining the age of superannuation on the illegal ground of the pendency of the OA of the applicant in OA No.58/2019 on the issue relating to the cancellation of financial upgradations under the 1st and 2nd Time Bound Upgradations in IDA pay scales granted to the applicant in 2012 without assigning any reasons as illegal, arbitrary and violative of Article 14, 16, 21 and 300-A of the Constitution of India and rules on the subject matter and consequently direct the respondents to release the pension and pensionary benefits of the applicant from the date of her entitlement with all consequential benefits with an interest of 24% PA, in the interest of justice, and be pleased to pass such other order or orders as this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.”

2. Heard Dr. A. Raghu Kumar, learned counsel for the applicant, Mrs. K. Rajitha, learned Sr Central Govt., Standing Counsel for Respondent No. 1 and Mr. M. C. Jacob, learned Standing Counsel for BSNL.

OA/021/01005/2019

3. During the course of hearing, the counsel or the applicant reiterates that the applicant has still not received any pension / pensionary benefits till

date in spite of the fact that more than one year has elapsed from her date of retirement.



4. Mr. M. C. Jacob, learned Standing Counsel for BSNL filed Lr. No. HTD/North/Legal/NEPP/2019-20/10, dated 30.01.2020 from the office of the PMG North, 3rd Floor CTO Building, Secunderabad, on the subject of recovery of over payments due to the applicant. The Respondents now have admitted that further NEPP promotions due to the applicant are on NEPP-II on 28-10-2008 (NQS of 16 days so postponed from 12-10-2008 to 28-10-2008) NEPP-III on 01-02-2017 (NQS of 96 days so postponed from 28-10-2016 to 01-02-2017).

5. Mr. M. C. Jacob, learned Standing Counsel for BSNL submits that in case the Respondents Department is allowed to revise the dates of promotions, the necessary revised PPO (Pension Payment Order) will be issued within forty five days from the date of receipt of certified copy of this order. However, the Department is constrained to take further action because of the order in OA/21/58/2019 with reference to the same applicant wherein there was an interim suspension of the reversion order.

6. In view of the letter dated 30.01.2020 produced today by the Respondents, so as to enable the applicant to receive her pension /

OA/021/01005/2019

pensionary benefits, the present OA is disposed of at the stage of admission, without going into merits of the case, with the direction to the

Respondents Department to revise the dates of promotions, to issue the necessary revised PPO within 45 days from the date of receipt of certified copy of this order.



7. In case the applicant is aggrieved by any order issued as a consequence of the letter dated 30.01.2020, she is at liberty to file a fresh OA.

8. No order as to costs.

(NAINI JAYASEELAN)
ADMINISTRATIVE MEMBER

vl.