

(18)

Central Administrative Tribunal
Principal Bench

O.A. No. 2451 of 1998
M.A. No. 292 of 1999

New Delhi, dated this the 24th February 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. T.N. BHAT, MEMBER (J)

1. Indian Telecom (Group C & D) Employees
Association (I.T.E.A.)
through Mrs. Madhu Trivedi,
General Secretary,
R/o JG-1/8, Vikas Puri,
New Delhi-110018.

2. Shri Banwari Lal,
S/o Shri Hardayal,
7821, Roshanara Bagh,
New Delhi.

... Applicants

(By Advocate: Shri G.S. Lobana)

Versus

1. Union of India through
Chairman, Telecommunication Commission,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi-110001.

2. Chairman & Managing Director,
Mahanagar Telephone Nigam Ltd.,
12th Floor, Jeevan Bharti Building,
New Delhi-110001.

3. Chief General Manager, Delhi Unit,
M.T.N.L., Khurshid Lal Bhawan,
New Delhi.

4. General Manager (Admn.),
Office of Chief General Manager,
M.T.N.L., Delhi Unit,
K.L. Bhawan,
New Delhi.

5. Shri Surup Singh,
General Secretary,
M.T.N.L. Staff Association,
R/o A-207, Pandara Road,
New Delhi.

... Respondents

(By Advocates: Shri A.K. Sikri with
Ms. Geetanjali for R-1 to 4
Shri P.P. Khurana for R-5)

O R D E R

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants impugn O.M. dated 29.10.98 (Ann. A-1) and Memorandum dated 27.11.98 (Ann. A-II).

2. With the consent of both sides, this O.A. was heard, with a view to its final disposal at admission stage itself.

3. Applicant's counsel Shri Lobana asserted during hearing that he was assailing the aforesaid O.M. and Memorandum on 2 grounds viz.

(i) More time should have been given to applicants to decide whether they would like to opt for permanent absorption in MTNL or not.

(ii) Service rendered by employees in DOT should be reckoned for the purpose of computing retiral benefits in MTNL.

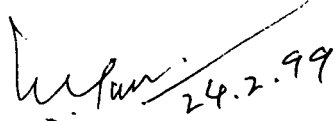
4. In so far as 3 (i) above is concerned, respondents' counsel Shri Sikri pointed out that the time limit for exercise of option in terms of O.M. dated 27.10.98 which initially was fixed at 15.12.98 was extended till 14.1.99 and was further extended till 21.1.99 and during this period nearly 22000 employees have exercised their option, leaving only about 300 employees who were yet to exercise their option. He, therefore, denied Shri


Lobana's contention that adequate time was not given to the employees to exercise their option. The aforesaid averments regarding the number of employees ^{who} had exercised their option was not disputed by Shri Lobana during hearing and under the circumstances, it is difficult to disagree with Shri Sikri that adequate time was given to the employees to decide whether they would seek permanent absorption in MTNL or not. Hence ground (i) is rejected. This will, however, not preclude respondents from extending the time for exercise of options still further, if they consider it appropriate so to do.

5. As regards 3 (ii) above, the relevant rules and instructions on the subject, issued by respondents from time to time, to the extent the same are applicable to the facts and circumstances governing the cases of those who opt for permanent absorption in MTNL, would govern their entitlement to retiral benefits.

6. No other grounds were pressed by Shri Lobana during hearing.

7. The O.A. is disposed of in terms of Para 4 5 above. M.A. No. 292/99 also stands disposed of. No costs.


(T.N. Bhat)
Member (J)
/GK/


(S.R. Adige)
Vice Chairman (A)