

**Central Administrative Tribunal
Principal Bench, New Delhi**



**OA No. 2138/2020
MA No. 2732/2020
MA No. 2733/2020**

This the 23rd day of December, 2020

(Through Video Conferencing)

Hon'ble Mr. Pradeep Kumar, Member (A)

1. Mrs. Promela, Sr. TOA(P), Gp 'C',
(Aged about 58 years),
D/o Sh. HarSwaroop Sharma,
R/o B-37, Satyawati Colony,
Ashok Vihar Phase-III,
Delhi-110052.
2. Mrs. Sherla Devi Jain, Sr. TOA (P), Gp 'C',
(Aged about 56 years),
D/o Sh. Shiv Charan Dass Gupta,
R/o -H. No. 32, Pocket-17, Sector-24
Rohini, Delhi-110085
3. Mrs. Usha Jaswal, Sr. TOA (P), Gp 'C',
(Aged about 57 years),
D/o Late Sh. Hari Chand,
R/o 713, Neel Kanth Apartment
Sector-13, Delhi-110085
4. Sh. Jagmander, Sr. TOA (P), Gp 'C',
(Aged about 56 years),
S/o Late Sh. Diwan Singh,
R/o H.No. 1189-C, Ward No. 21,
Prem Nagar, Rohtak (Haryana) – 124001
5. Sh. Om Shiv Sharma Bhardwaj,
Sr. TOA(P), Gp 'C',
(Aged about 58 years),
S/o Late Sh. Prem Prakash Sharma,
R/o LIG Flat No. 3/1, D-6, Sector-6,
Rohini, Delhi – 110085



6. Sh. Mahesh Chander Goyal, Sr. TOA(P), Gp 'C',
(Aged about 58 years),
S/o Late Sh. Rishi Kesh Goel,
R/o D-145, Ashok Vihar Phase I,
Delhi – 110052
7. Smt. Pushp Lata, Sr. TOA(P), Gp 'C',
(Aged about 58 years),
D/o Late Sh. Nand Lal,
R/o H. No. 329, 3rd Floor, Sant Nagar,
East of Kailash, New Delhi – 110065
8. Smt. Rashmi Kakkar, Sr. TOA(P), Gp 'C',
(Aged about 58 years),
D/o Sh. Roshan Lal,
R/o B-53, Himalayan Residency,
Plot No. 10, Sector-22,
Dwarka, New Delhi – 110077
9. Smt. Bharti Manchanda, Sr. TOA(P), Gp 'C',
(Aged about 56 years),
D/o Sh. Prahlad Chand,
R/o A-541/1, Upper Ground Floor,
Opp A-Block, Gurudwara, Shashtri Nagar,
Delhi – 110052
10. Smt. Poonam Parbhakar, Sr. TOA(P), Gp 'C',
(Aged about 55 years),
D/o Sh. G.K. Verma,
R/o L-243, Jalvayu Vihar, Sector-25,
NOIDA (UP) - 201301
11. Smt. Anita Negi, Sr. TOA(P), Gp 'C',
(Aged about 55 years),
D/o Sh. K.S. Rawat,
R/o CGDI – 1601, Supertech Cape Town,
Sector-74, Gautam Budh Nagar,
NOIDA (UP) – 201301
12. Smt. Rajni Yadav, Sr. TOA(P), Gp 'C',
(Aged about 57 years),
D/o Sh. Jayoti Sawroop,
R/o 4, Munshi Ram Colony,
Opportunity 181 Mukherjee Nagar North,
Delhi – 110009



13. Sh. Rajinder Prasad, Sr. TOA(P), Gp 'C',
(Aged about 60 years),
S/o Late Sh. Jai Narain,
R/o H. No. 686/30, Vikas Nagar,
Sonepat (Haryana) – 131001

...Applicants

(By Advocate: Sh. M.K.Bhardwaj)

VERSUS

1. Mahanagar Telephone Nigam Limited,
Through Its C.M.D.
5th Floor, Door Sanchar Sadan, 9 C.G.O. Complex,
New Delhi.

2. Union of India,
Ministry of Department of Tele Communication,
Through Its Secretary,
Sanchar Bhawan,
20, Ashoka Road,
New Delhi

...Respondents

(By Advocate: Ms. Geetanjali Sharma for respondent No.2)



ORDER (Oral)

Hon'ble Mr. Pradeep Kumar, Member (A):

The applicants herein (total 13 in number) were recruited to the erstwhile Department of Telecommunication. Subsequently, they came to be deputed to MTNL and as per the terms and conditions prevalent at that time, they were absorbed in MTNL w.e.f 01.11.1998.

Applicants plead that in terms of Department of Pension and Pensioners Welfare (DOP&PW) OM dated 02.07.1999, they were entitled for pro-rata pension along with dearness relief. While this pro rata pension is being paid, dearness relief has not been paid for want of a certificate by respondent – MTNL. Applicants further plead that in respect of this dearness relief, MTNL has issued a reply Dt 17.09.2014 on a RTI query which indicates that the DOP&PW OM dated 02.07.1999 is applicable upon the applicants.

Applicants made several representations also pleading for Dearness Relief, but they were not decided.

2. Feeling aggrieved, applicants including others, had earlier preferred OA No.1127/2017 before Principal Bench of this Tribunal. The applicants fairly submit that this OA is still pending adjudication.



Meanwhile, a Voluntary Retirement Scheme (VRS) was notified for MTNL employees and since the applicants wanted to avail the opportunity of this VRS, they were forced to withdraw their names from OA No.1127/2017. The said VRS has since been accepted and implemented.

However, the grievance in relation to dearness relief along with pro-rata pension, is still remaining unresolved.

3. Applicants further plead that they had made several representations, which have not been replied to so far. Various dates on which such representations have been made by varoius applicants herein are 19.09.2020, 21.09.2020, 22.09.2020, 23.09.2020, 30.9.2020, 07.10.2020, 12.10.2020, 16.10.2020, 20.10.2020, 26.10.2020 and 02.12.2020. These representations are still un-replied. Feeling aggrieved, this OA has been preferred.

Applicants have also preferred MA No.2732/2020 seeking to join together. Another MA No.2733/2020 has also been preferred seeking exemption from filing legible and typed copies.

4. Heard. Issue notice. Ms. Geetanjali Sharma, learned counsel, who appears on behalf of respondents No.2 (Ministry



of Telecommunication) on advance information, accepts notice. She submits that the entire OA is not legible.

5. The learned counsel for applicants are directed to supply a legible copy of the paper book to the respondents. Applicants undertake to supply a legible copy today itself.

6. At this stage, counsel for applicants submit that they will be satisfied, if certain time bound directions can be issued to the respondents to decide their pending representations (Para 3 supra) under advice to them.

7. Matter has been considered. The Tribunal is of the view that no prejudice is likely to be caused to the respondents, if such a request of the applicants is agreed to.

8. For the reasons stated therein, MA No.2732/2020 for joining together is allowed. MA No.2733/2020 seeking exemption from filing legible and typed copies is dismissed.

9. In view of the foregoing, the OA is disposed of at the admission stage itself, without going into the merit of the case, with a direction to the respondents to decide the pending representations as per para 3 above, in respect of issuing certificate for dearness relief keeping in view provisions of DOP&PW OM dated 02.07.1999 and MTNL letter Dt. 17.9.2014, if applicable, by passing a reasoned and speaking



order within a period of eight weeks from the date this order is received, under advice to the applicant. The OA is disposed of in these terms.

10. In case, as a result of this examination, certain certificate is required to be issued, the same shall also be issued in a period of four weeks thereafter.

11. The applicant shall have liberty to approach the Tribunal, if certain grievances still subsist. No order as to costs.

**(Pradeep Kumar)
Member (A)**

/sunita/daya/