

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday 8th day of August Two Thousand And Seventeen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/01269/2017

1. All India BSNL Penioners' Welfare Association (Regd.No.T.1833/09)
Rep. by its Circle Secretary, Tamil Nadu Circle,
1A, Amirtham Avenue, Bharani Street,
Bharathi Nagar,
Velacheryy,
Chennai- 600 042;
2. R. Delliraj,
S/o. N. Ramachandran,
Aged about 68 years,
45A, Malliam Nagar 2nd street,
Poonamallee, Chennai- 600 056;
3. M. K.Atchayakumar,
S/o. M.Krishnan,
Aged about 69 years,
No.9, Dr. Ambedkar nagar,
New Avadi Road,
Kilpauk, Chennai- 600 010.Applicant

(By Advocate : Mr. Balan Haridas)

VS.

1. Union of India
Ministry of Communications,
Department of Telecommunications,
Rep. by its Secretary,
Sanchar Bhavan,
20, Ashoka Road,
New Delhi- 110 001;

2. Under Secretary,
Government of India,
Ministry of Communications,
Department of Telecommunications,
Sanchar Bhavan,
20, Ashoka Road,
New Delhi- 110 001;
3. Senior Accounts Officer (Pen. Rev)
Ministry of Communication
Department of Telecommunications
Government of India,
Office of the Principal Controller of Communication Accounts,
Tamil Nadu Circle,
Chennai- 600 008;
4. Controller of Communication Accounts, Tamil Nadu,
R.K. Nagar Telephone Exchange 7th Floor,
239, R.K. Mutt Road,
Mandaiveli,
Chennai- 600 028;
5. The Chairman-cum-Managing Director,
Bharat Sanchar Nigam Limited,
M.S. Mathur Lane, Janpath,
New Delhi- 110 001.

...Respondents

(By Advocate: Mr. K. Rajendran, Res. 1-4
Mr. Veluswamy, Res-5)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Applicant has filed this O.A. seeking the following reliefs:-

"to quash the order of the 2nd respondent dated 07.03.2017 bearing No. 40-16/2012-(PenT) and the consequential order of the 3rd Respondent dated Nil.06.2017 bearing No. DoT/CCA/TN/CCA/TN/Pen Rev/50% CVP and

ii) consequently direct the respondents to continue to retain the extra increment given to the members of the 1st Applicant Association, whose names are given in the Annexure 15 to the application and continue to pay the pension on that basis."

2. The 1st applicant is Association of BSNL Pensioners Welfare Association. The 2nd and 3rd Applicants are members of the 1st Applicant Association, who worked in BSNL and retired. The facts of the case as submitted are that they initially worked in Telecommunication Department and their services were absorbed in BSNL by protecting their pension for the services rendered with the Government of India and BSNL. It is stated as per the promotion policy in vogue at the relevant time, 10% of Grade III officials were promoted to Grade IV on the basis of cadre seniority. In the event of not getting promotion to Grade IV, the employees were given one extra increment one year before their retirement and the same is also taken into account for pension. This one increment has been in vogue from 01.06.2003 and now the same is sought to be withdrawn. This will result not only in reduction of pension but also will result in recovery. Hence the applicants filed the instant O.A. seeking the aforesaid reliefs.



3. Heard. Learned counsel for the applicants submits that the applicants were aggrieved by order dated 07.3.2017 (Annexure -A/11), by which the method of calculation of commuted value of pension was clarified in respect of BSNL IDA scale post- 2007 pensioners. It is stated therein that "extra increment granted (only in cases where OTBP/BCR schemes were available) to the non-executives stand withdrawn from 23.3.2010". The applicants made a representation dated 07.06.2017(Annexure A/12) through their Association against the proposed withdrawal of the extra increment granted to the non executives.

4. Learned counsel for the applicants submits that applicants would be satisfied if the respondents are directed to dispose of the representation of the applicants within a specified time limit. It is also further prayed that no recovery may be made from their pension in the meantime.

5. Mr.K.Rajendran, Learned Senior Standing Counsel for the respondents 1 to 4 submits that applicants have no loco standi to challenge the inter-departmental communication and his objection may be recorded accordingly.

6. Mr. Velu Swamy, Learned standing counsel for respondent No.5 opposes the interim prayer of the applicants stating that impugned order was passed on 7.3.2017 and it is possible that the recovery might already have started by this time.

7. After carefully considering the facts of the case, I deem it appropriate to direct the respondents to consider the representation of the applicants dated 07.06.17, Annexure-A/12 and pass a reasoned and

speaking order within a period of two months from the date of receipt of copy of this order. In the meantime, no reduction in pension and recovery may be made in terms of the impugned order dated 07.3.2017 (Annexure-A/11), in case it has already not been acted upon.

8. The O.A. is disposed of accordingly. There shall be no order as to costs.

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DEPUTY REGISTRAR