

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00241/2020

Thursday this the 16th day of July 2020

CORAM:

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

K.N.Parameswaran Nair
S/o.Late Sri.Padmanabha Paniker
Aged 77 years, Retired Divisional Engineer
BSNL, CTO, Ernakulam
Residing at 'Sri Kovil, Thamarakulangara'
Thripunithura, Kochi – 682 301
Mobile No.9446070011 ...Applicant

(By Advocate M/s.M.R.Rajendran Nair and Associates)

versus

1. Union of India represented by the Secretary
Ministry of Communication and Information Technology
Department of Communications
Sanchar Bhavan, 20, Ashoka Road
New Delhi – 110 001
2. The Chairman and Managing Director
Bharat Sanchar Nigam LTD
Bharat Sanchar Bhavan
Harish Chand Mathur Lane, Janpath
New Delhi – 110 001
3. The Chief General Manager
Kerala Telecommunications, BSNL
Thiruvananthapuram – 95 033

(By Advocate Mr.V.Santharam for R 2 &3 and Mr.N.Anilkumar, SCGSC for R1)

This application having been heard through video conference on 16th July 2020, this Tribunal on the same day delivered the following :

O R D E R (O R A L)**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

The applicant is aggrieved by the refusal on the part of the respondents in granting him the special allowance applicable to Group A officers with effect from 1.10.2000 as per his eligibility and at the rate he is entitled to on his absorption to the BSNL, treating him on par with other persons similarly placed. Hence he prays for the following reliefs:

“(i) Declare that the applicant is entitled to be paid Rs.2914/- with effect from 1.1.2000 as special allowance and to direct the respondents to draw and disburse arrears of special allowance due to the applicant with interest @ 12% per annum on delayed payment.

(ii) To grant such other reliefs as may be prayed for and the court may deem fit to grant, and

(iii) Grant the costs of this Original Application “

2. When the matter came up for consideration, learned counsel for the applicant submits that the applicant will be satisfied if a direction is given to the respondents to consider his Annexures A-4 to A-7 representations in the light of the decision rendered by the Hon'ble High Court in OP(CAT) 291/2016 and to pass a reasoned and speaking order within a time frame.

3. Advocate Mr.Shishoy representing Advocate Mr.V.Santharam, learned counsel for respondent nos.2 and 3 submits that normally there is no objection in considering the matter in the light of the decision rendered by the Hon'ble High Court.

4. Hence we are of the view that the Original Application can be disposed of at the admission stage itself without going into the merits. **The Competent Authority is directed to consider Annexures A-4 to A-7 representations of the applicant in the light of the decision rendered by the Hon'ble High Court in OP(CAT) 291/2016 and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.**

5. **The Original Application is disposed of as above.** No costs.

**K.V.EAPEN
ADMINISTRATIVE MEMBER**

**P.MADHAVAN
JUDICIAL MEMBER**

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List of Annexures

Annexure A-1 - True copy of the approval of Union Cabinet dated 24.7.2008

Annexure A-2 - True copy of the order dated 8.4.2016 on O.A No.477/2014

Annexure A-3 - True copy of judgment dated 10.8.2017 in OP CAT No.291/2016 of the Hon'ble High Court of Kerala

Annexure A-4 - The true copy of representation dated 21.1.2019 addressed to the 3rd respondent by the applicant

Annexure A-5 - True copy of representation dated 3.4.2019 addressed to the 3rd respondent by the applicant

Annexure A-6 - True copy of representation dated 4.5.2019 addressed to the 3rd respondent by the applicant

Annexure A-7 - True copy of representation dated 4.6.2019 addressed to the 3rd respondent by the applicant

Annexure A-8 - Registered lawyer notice dated 18.10.2019 send by the applicant to the 3rd respondent

Annexure A-9 - Acknowledgment of the lawyer notice dated 21.10.2019 by the 3rd respondent.

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