

**Central Administrative Tribunal
Principal Bench**

OA No.4354/2017

New Delhi, this the 17th day of March, 2021

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**



Shri Surendra Chawla, Age 61 years,
S/o Sh. BL Chawla, Group A,
Ex. Joint Advisor (TRAI)
B-119, Shivalik,
Malviya Nagar,
New Delhi-110 017

- Applicant

(By Advocate : Mr.Suresh Sharma)

Versus

Department of Telecommunications & Anr.

Through:

1. The Secretary,
Department of Telecommunications,
Ministry of Communications and Information Technology,
Sanchar Bhawan, New Delhi
2. Chairman,
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhavan,
Jawaharlal Nehru Marg, New Delhi

- Respondents

(By Advocate : Mr. Subhash Gosai
Mr. N. Sasank Iyer)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy :

The applicant retired from the service of Telecom Regulatory Authority of India (TRAI) as Joint Advisor on 31.03.2016. He made a representation on 23.07.2016 with a request to make necessary arrangement for providing the medical services to the retired employees. He filed this OA with a prayer to direct the



respondents to finalize and notify the amended TRAI (Salaries, Allowances and other Conditions of service of the Officers and employees) Rules, 2002, providing for grant of medical benefits to retired officers and employees of TRAI and to direct them to accept the medical claims and grant reimbursement.

2. The respondents filed a detailed counter affidavit. It is stated that the Rules, as they stood when the OA was filed, did not provide for such facility and no employee, much less the retired employee, can claim the benefits under the draft amendments of rules.

3. We heard Mr. Suresh Sharma, learned counsel for the applicant and Mr. Subhash Gosai and Mr. N. Sasank Iyer, learned counsel for the respondents.

4. The endeavour of the applicant is to compel the respondents to amend the rules, providing for the post-retirement medical benefits. We make it clear that it is always the discretion of an employer to frame or amend the rules and the Courts cannot compel them to take any steps in that behalf. It is a different matter that if rules are found to be discriminatory or contrary to law, necessary declaration can be made. Fortunately for the applicant, the rules were stated to have been amended and notified on 24.12.2020, providing for medical facilities to the retired employees of the TRAI. With that, the grievance of the applicant stands redressed.



5. We, therefore, dispose of the OA, directing the respondents to verify the claim of the applicant for any medical facilities in terms of the extant rules and extend the benefit without any delay. There shall be no order as to costs.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/rk

