

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

HON'BLE MR. ASHOK S. KARAMADI, MEMBER, J

HON'BLE MR. S.N. SHUKLA, MEMBER, A

ORIGINAL APPLICATION NO. 1473 OF 2006

Soni Devi W/o Babu Lal, resident of 20/251, Sirki Mandi, Loha
Mandi, Agra.

(Substituted vide Order dated 02.04.2009)

.....Applicant

By Advocate:- Shri S. Kumar

Versus

1. Union of India, through the Secretary Ministry of Telecommunication New Delhi.
2. Chief General Manager, Telecom, Meerut (U.P.)
3. General Manager, Telecom, Mainpuri (U.P.)
4. Sub Divisional Engineer, officer of District Manager, Telecom, Mainpuri
5. General Manager-in-Chief, Bharat Sanchar Nigam Limited, U.P. Region East, Lucknow.
6. District Manager, Bharat Sanchar Nigam Limited, Mainpuri (U.P.)

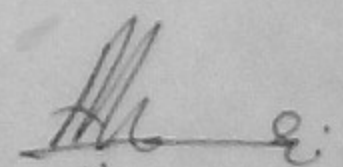
.....Respondents

By Advocate:- Shri D.S. Shukla

ORDER

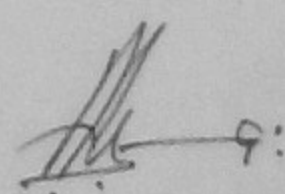
BY HON'BLE MR. ASHOK S. KARAMADI, MEMBER, J

Heard counsel for the Applicant and learned counsel for the Respondents. Learned Counsel for the applicant submits that, the



legal heir of the deceased employees, who brought by substitution, are claiming relief of the retiral benefits i.e. Pension, Gratuity, Provident Fund, Group Insurance etc. As the same is not settled by the department within the proper prescribed time, they will made a representation to the Competent Authority to settle the aforesaid claims within a time limit.

2. Learned Counsel for the Respondents, submitted that since the service records of the applicant are not available in the office of the TDM Mainpuri, due to the reasons that a departmental enquiry is pending against the applicant under rule 14 of CCS (CCA) rules 1965 and in lieu of that enquiry the services record has been sent to the Telecom District Etawah and even then the record of the applicant is not available in the TDM Mainpuri. Having regard to the fact that the person who is an employee of the Department of Telecommunication but Management of Bharat Sanchar Nigam Limited shall have full power regarding pension gratuity and retrial benefits, Respondent submitted that this Tribunal has no jurisdiction to adjudicate the matter. Learned Counsel for the Respondents further stated that prior to 14th December 1966 Mainpuri belongs to Etawah Division and after this date the Mainpuri Division formed separate entity and in Mainpuri Division pay was prepared since February 1997. Prior to 1997 salary was paid to the employee from Etawah Division, as such the Telecom District Manager Etawah is also a

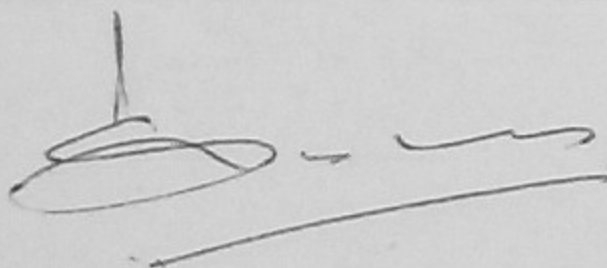


necessary party but applicant has not impleaded District Manager Etawah in the array of parties and as such O.A. is liable to be dismissed.

3. In view of the above, the claim of the applicant regarding retiral benefits claimed by them can be settled, having regard to the facts and circumstance of the case, and in view of the submission made by both the counsel and in the interest of natural justice, it is just and proper that the applicants shall file a detailed representation to the competent Authority within 4 weeks from today alongwith the copy of this order, and if such representation is submitted to the Competent Authority by the applicant within a period of 4 weeks from the receipt of this order the same shall be disposed of by Respondent No. 4^{OR} the Concerned Competent Authority in accordance with law within a period of 3 month from the date of receipt of said representation.

4. With the above direction to the respondents O.A. is disposed of.

No order as to cost.



Member (A)



Member (J)

//Dev//