

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original Application No.827 of 2007.

Allahabad, this the 23rd day of July, 2009

Hon'ble Mr. S.N. Shukla, Member-A

K.P. Saxena aged about years, Son of late M.P. Saxena, R/o H. No.88/118, Prem Nagar, Kanpur.

... Applicant.

By Advocate : Shri R.K. Shukla

Versus

1. Union of India through the Secretary, Ministry of Telecommunication, New Delhi.
2. The Director General of Telecommunication, Parliament Street, New Delhi-11.
3. The Controller of Communication Accounts Department of Telecommunications, U.P. (E) Circle, Bhopal House, Lal Bagh, Lucknow.
4. The General Manager, Telecommunication, Kanpur Telecom District, Door Sanchar Bhawan, Mall Road, Kanpur.

...Respondents.

By Advocate : Shri S.C. Mishra
Shri D.S. Shukla

O R D E R

This OA has been filed by the applicant seeking the following reliefs :

- "(i) To issue a writ, order or direction in the nature of mandamus directing the respondent No.4 to compute the petitioner's pension correctly as per para 4.1(D) of the orders w.e.f. 1.1.1986 and subsequently w.e.f. 1.1.1996 as per existing rules with consequential benefits of payment of arrears together with upto date interest thereon due to delayed payment.
 - (ii) To issue any other order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case.
 - (iii) To award costs to the petitioner."
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2. On going through the records and with the assistance of the learned counsels for the respondents this Tribunal is in a position to decide the matter ~~even~~ without the presence of the learned counsel for the applicant who has sent illness slip.

3. The attention of the Tribunal is invited to para 13 of the OA reads as under :

"that ultimately, the S.D.E. (PG Cell), Kanpur Telecom District, Door Sanchar Bhawan, Mall Road, Kanpur informed the petitioner that the original filed alongwith service book has been sent to CCA Lucknow on 17.12.2004. A copy of aforesaid intimation letter dated 11.12.2006 is being filed herewith and marked as Annexure-A-XIII to the Compilation No.II."

Page 25 being letter of Bharat Sanchar Nigam Limited reads as under :-

"401-SDE (PG) /2006/K.P.Saxena/140/02dated 11.12.06

Regarding pension Adalat case delt by Circle Office Lucknow dated 6.11.2006

With reference to above complaint, it is intimated that original file alongwith Service Book of the retiree has already been sent to CCA Lucknow on dated 17.12.2004.

It is for your kind information please.

Sd/-

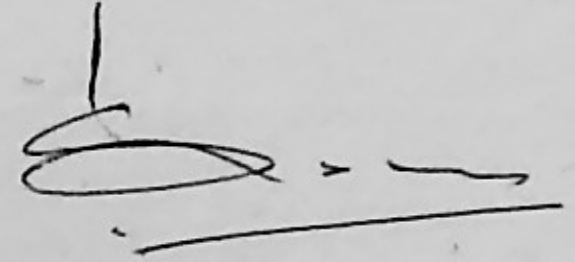
S.D.E. (PG.Cell)
Kanpur Telecom District
"Door Sanchar Bhawan"
Mall Road, Kanpur-1

4. On going through the prayer as contained in the OA and contends of the representation dated 26.2.2007, this Tribunal is of the view that grievance of the applicant may be redressed if a reasoned and speaking order as per rules is passed by respondent No.3 within a period of three months from the date of receipt of copy of this order. The out come of the decision on

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the representation dated 26.2.2007 of the applicant may be communicated to the applicant.

5. With the above direction, the OA is disposed of.
No costs.



Member-A

RKM/