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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O.A NO.397 OF 2013
Cuttack, the 1st OF JULY, 2013

CORAM
HON'BLE MR. R.C. MISRA, MEMBER (A)
.....

Niranjan Jena,
aged about 56 years,
S/o-Late Padma Lochan Jena,
Ex-Sr. Section Supervisor,
Office of the SDO (Phones) Bhadrak,
BSNL, Sub Division, Bhadrak and
Resident of Kalyan Nagar, Balasore,
Post & Dist-Balasore-756001.

...Applicant

(Advocate(s) for the Applicant Mr. A.K. Mohanty.)

VERSUS

Union of India

1. Represented through
The Secretary,
Department of Telecommunication,
Ministry of Communication & IT,
Sanchara Bhawan, 20 Ashoka Road,
New Delhi-110 001.
2. The Controller of Communication Accounts,
Orissa Telecom Circle, PGM Building,
Bhubaneswar-751001.
3. The Chief General Manager,
Bharat Sanchar Nigam Ltd.,
Orissa Circle, Bhubaneswar-751001
4. The General Manager Telecom District,
Bharat Sanchar Nigam Ltd.,
Balasore-756001.

(Advocate- Mr.S.B. Jena)



... Respondents

ORDER(Oral)MR. R.C. MISRA, MEMBER (A):

Heard Mr. A.K. Mohanty, Ld. Counsel for the applicant and Mr. S.B. Jena, Ld. Addl. Central Government Standing Counsel for the Respondent Nos.1 &2.

2. In this case the applicant ^{has} ~~has~~ approached this Tribunal with a prayer that although he has been removed from service in the BSNL on the ground of conviction in a criminal case he is still entitled to get pension on the basis of past service that he had rendered in the Telecom Department. He has brought to my notice the instructions of the Department of Telecom dated 21.07.2009 issued ^{to} ~~by~~ the Chairman and Managing Director, BSNL which is there in Annexure-A/5. According to this instruction, the employees of BSNL ^{are} ~~is~~ entitled to get retirement benefits for the service rendered under the Government, even if they are dismissed/removed from the service after their absorption in BSNL for any misconduct during service in BSNL, in accordance with Sub-rule 24 (c) of Rule 37-A of CCS (Pension) Rules, 1972. It has been submitted by the Ld. Counsel for the applicant that the pension papers have been forwarded by the BSNL to the Joint Controller, Office of the Controller of Communication Accounts, Odisha, 4th Floor, CPGM Building, Bhubaneswar on 07.11.2012, vide letter dated 06.11.2012. The Communication Accounts Officer has written to the Dy. General Manager (CFA), Office of the GMTD, BSNL to give them the result of review of the case of the applicant by DOT.

3. Ld. Counsel for the applicant however, mentions that this review has been completed on 14.01.2013. Since no further action has been taken in this matter, the applicant has made a representation to the Secretary, Department of Telecommunication, Sanchar Bhawan, New Delhi (Respondent No.1) vide letter dated 10.12.2012 (Annexure-A/12) and this representation is still pending consideration of the concerned authorities.

4. Mr. S.B. Jena, Ld. Addl. Central Government Standing Counsel for the Respondent Nos.1 &2 submitted that he would like to obtain further instruction about the status of this case.

[Signature]

5. I have heard both the Ld. Counsel for the parties and found that in the present case a decision of Respondent No.1 is required for further action in the matter. Since the representation dated 10.12.2012 is allegedly pending for consideration with Respondent No-1, at this stage, without going into the merit of this case, I direct Respondent No.1 to consider the representation in the light of the instructions of the Department of Telecommunication dated 21.07.2012(Annexure-A/5) and communicate the decision there on to the applicant within a period of 90 (ninety) days from the date of receipt of the copy of this order.

6. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

7. A copy of this order along with paper book of O.A. be sent to Respondent No.1 for compliance at the cost of the applicant for which Mr.A.K. Mohanty, Ld. Counsel for the applicant undertakes to deposit the postal requisites by 02.07.2013.

8. Free copy of this order be made over to the Ld. Counsel appearing for both the sides.


(R.C. MISRA)
MEMBER(A)