

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.NO.434 OF 2003

Friday this the 10<sup>th</sup> day of June, 2005

CORAM

HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER  
HON'BLE MR. N. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

V .Radhakrishnan Nair,  
aged 60, S/o Velayudhan,  
Sub Divisional Engineer (Indoor)(Retd)  
Nedumangad, residing at  
Thazhthuvedu,  
Puthukulangara Po,  
Nedumangad. ....Applicant  
(By Advocate Mr.Vishnu S.Chempazhanthiyil)

V.

1. Accounts Officer (Cash),  
Officer of the General Manager,  
Telecom District, Thiruvananthapuram.
2. General Manager,  
Telecom, BSNL, Thiruvananthapuram.
3. Director General,  
Postal Department, New Delhi.
4. Chairman, BSNL, New Delhi.
5. Union of India, rep. By its Secretary,  
Ministry of Communications,  
New Delhi. ....Respondents

(By Advocate Mr.T.C.Krishna, ACGSC)  
The application having been heard on 10.6.2005, the Tribunal on the same  
day delivered the following:

ORDER

HON'BLE MR K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. The applicant is a re-employed Ex-serviceman claiming that he is  
entitled to have his military service counted for qualifying service under  
the respondents. Now the applicant has retired and without counting his



Defence service as qualifying service. Aggrieved by the said inaction he has filed this Original Application seeking the following reliefs:-

(a) Declare that the applicant is entitled to have his military service as contained in Annexure.A.1 counted for pay fixation on reemployment under the respondents and direct the respondents to regulate his pay notionally.

(b) Direct the respondents to revise his pension on the basis of notional pay fixation after counting the military service covered by Annexure.A.1 and pay him arrears of pension.

© Direct the 2<sup>nd</sup> respondent to consider and pass orders on Annexure.A8.

(d) Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.

(e) Award the cost of these proceedings.

2. Respondents have filed a detailed reply statement contenting that as per Rule 19 of CCS (Pension) Rules, re-employed ex-servicemen can opt to refund the retirement benefits received from the Defence service and count his previous military service within one year from the date of his re-employment to the civil post. The respondents are not in a position to examine the case of the applicant as per Rules as he has not refunded the terminal benefits received from the Defence service. However, in Para 6 of the reply statement it is stated that 'even now, the respondents are prepared to consider the case of the applicant as per Rule provided he produce relevant documents and facts as envisaged in the Rules.'

3. The applicant has filed an MA 508/2005 with a request that the 5<sup>th</sup> respondent may be directed to consider the claim of the applicant in accordance with the rules.

4. When the matter came up for hearing Shri Vishnu S.Chempazhanthiyil appeared for the applicant and Mr.T.C.Krishna ,



Standing counsel for BSNL appeared for the respondents.

5. Counsel for applicant submitted that in view of the undertaking in the reply statement that the BSNL is prepared to consider the case of the applicant a direction may be given to the respondents to consider his case with reference to the relevant documents and facts as envisaged in the Rules.

6. Counsel for respondents on the other hand submitted that as per order dated 23.02.04 under reference No.20-9/Kerala/125/2004, the Department of Telecom has absorbed all the permanent employees to BSNL with effect from 01.10.2000. However, he was in doubt whether this Court has jurisdiction on the BSNL matters. However, this matter has been finally decided in OA 23/02 and other connected cases by order dated 11.04.2005 wherein this Court has observed that all pending matters connected with the employees who have been absorbed by BSNL will come under the purview of this Court. Adhering to the said decision, we are of the view that this matter will also come under the purview of this Tribunal. \*Therefore we direct the applicant to produce all details and documents alongwith a copy of the representation or with a fresh representation within a time frame of two weeks and on receipt of such a representation the 2<sup>nd</sup> respondent shall consider and pass an appropriate order and give relief to the applicant within a period of three months thereafter with hearing opportunity. The OA is disposed of as above.

Dated 10<sup>th</sup> day of June, 2005



N.RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



K.V.SACHIDANANDAN  
JUDICIAL MEMBER

vs.

\* Amended as per order dated 21.09.2005 in MA No.816/05.

\* "Therefore we direct the applicant to produce all details and documents alongwith a copy of the representation or with a fresh representation within a time frame of two weeks and on receipt of such representation the 2<sup>nd</sup> respondent shall consider and pass an appropriate order and give relief, if any, to the applicant within a period of three months thereafter with hearing opportunity."

  
DEPUTY REGISTRAR