

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 277 of 1999

Thursday, this the 20th day of September, 2001

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. M. Sankarankutty,
S/o late K.M.B. Nair,
Retired Divisional Engineer,
Telecom, Palakkad,
Residing at 'Megha', 16/691,
Kunnathurmedu, Palakkad.Applicant

[By Advocate Mr. M.R. Rajendran Nair]

Versus

1. The General Manager, Telecom, Palakkad.
2. The Chief General Manager,
Kerala Circle, Trivandrum.
3. Union of India, represented by the
Secretary to Government of India,
Ministry of Communications, New Delhi.
4. Bharath Sanchar Nigam Limited, represented
by Chief General Manager, Telecom,
Kerala Circle, Trivandrum.Respondents

[By Advocate Mr. M. Rajendrakumar, ACGSC]

The application having been heard on 20-9-2001, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash A7, to declare that he is
entitled to get the benefit of A1 and to direct the respondents
to extend the benefit of 1000 free calls bimonthly to him.

2. The applicant was officiating as Divisional Engineer.
As per A2 he was reverted to his parent cadre as Senior
Assistant Engineer in Palakkad SSA with effect from the
afternoon of 29-1-1992. He submitted his earned leave

..2.

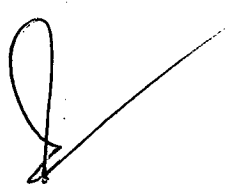
application for 30th and 31st of January, 1992. The same was sanctioned. Respondents have never treated the reversion of the applicant ordered by A2 as having materialised. He retired on superannuation on 31-1-1992. While calculating his basic pension his reversion as Divisional Engineer was not reckoned. It is not by virtue of A3 the calculation is shown. Retired Group A employees of the Telecom Department can avail the benefit of 1000 free calls bimonthly. The applicant was not given this benefit. He submitted a representation. As per A7 he was informed that it is not within the competence of the authority, to whom he has addressed the representation, to treat the period of leave from 30-1-92 to 31-1-92 after reversion from Group A as Group A service for any other benefit.

3. Respondents resist the OA contending that consequent to A2 order the applicant handedover charge of Divisional Engineer Telecom in compliance with the order of reversion and entered on leave on 30th and 31st of January, 1992. With effect from 30-1-1992 he was Senior Assistant Engineer, a Group B officer. He has not challenged A2 order.

4. In the OA it is stated that:

"For the purpose of pensionary benefits also, applicant is treated as a Group A employee."

A3 is the copy of the Pension Payment Order issued to the applicant. There it is clearly shown that the applicant was holding the post of Senior Assistant Engineer at the time of his retirement. The learned counsel appearing for the applicant across the bar submitted that Senior Assistant

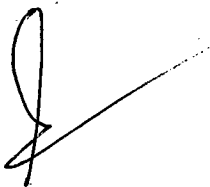


Engineer is only a Group B officer. The applicant also cannot be in the know of it. That being the position, the applicant has made an averment in the OA which is false knowing it to be false. It is needless to say that a party who approaches the Tribunal should come with clean hands. One who approaches the Tribunal stating false facts and thereby makes an attempt to mislead the Tribunal should necessarily face and suffer the consequence. The consequence is dismissal of the OA. On this ground alone, the OA is liable to be dismissed.

5. From A2 order dated 28-1-1992 it is clearly seen that the applicant, while working as Divisional Engineer Telecom, Palakkad, was reverted to his parent cadre as Senior Assistant Engineer in Palakkad SSA with effect from the afternoon of 29-1-1992. The same is not under challenge. Now the applicant cannot say that his reversion has not materialised.

6. As per A1, retired Group B officials are entitled only for 500 free calls bimonthly. The applicant now wants to get 1000 free calls bimonthly on the assumption that there was no reversion and he retired on superannuation as Divisional Engineer. From the materials available it is clear that the applicant retired as Senior Assistant Engineer, a Group B officer.

7. A7, the impugned order, says that if at all any concession regarding extension of officiating appointment is to be given, it can be given only by the Department of Telecom as it is not within the jurisdiction of the General Manager Telecom. The applicant has admittedly not approached the



Department of Telecom for any concession if entitled. In the situation, the applicant is not entitled to any of the reliefs sought.

8. Accordingly, the Original Application is dismissed. No costs.

Thursday, this the 20th day of September, 2001



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

ak.

APPENDIX

1. Annexure A1: True copy of the letter dated 25.9.98 No.2-79/94-PHA issued by the Asst. D.G.(PHA), issued by the Dept of Telecommunications, M/o Communications, New Delhi.
2. Annexure A2: True copy of the order No.STA/1-7/91/III dt. 28.1.92 issued by the Asst. G.M.(Admn), for 2nd respondent.
3. Annexure A3: True copy of the relevant portion of the Pension Payment Order of the applicant.
4. Annexure A4: True copy of the representation dt. 17.12.98 submitted by the applicant to the 2nd respondent.
5. Annexure A5: True copy of the representation dated 22.12.98 submitted by the applicant to the 1st respondent.
6. Annexure A6: True copy of the representation dated 24.12.98 submitted by the applicant to the 1st respondent.
7. Annexure A7: True copy of the letter dated 20.1.99 No.E-61/Genl.Corr.Estt/2 issued by the 2nd respondent.

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