

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.31/07

Thursday this the 9th day of August 2007

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER**

K.K.Krishnan,
Retired Telephone Supervisor
of Department of Telecom,
Employee No.558 7108,
O/o. Divisional Engineer Telecom (BSNL), Thodupuzha.
Now residing at Kolappillil House,
C/o.Kamal Digital Vision, Pulimoottil Plaza, Thodupuzha.Applicant

(By Advocate Mr.T.H.Chacko)

Versus

1. Union of India represented
by the Secretary to the Govt. of India,
Department of Telecommunications,
20 Asoka Road, Sanchar Bhavan,
New Delhi – 110 001.
2. Bharat Sanchar Nigam Ltd.
Represented by its Chairman & Managing Director,
20 Asoka Road, New Delhi – 110 001.
3. The Chief General Manager (BSNL),
Kerala Circle, Trivandrum – 695 033.
4. The Principal General Manager (BSNL),
Kalathiparambil Road, Cochin – 682 016.Respondents

(By Advocate Mr.P.Parameswaran Nair,ACGSC [R1]
Mr.N.Nagaresh [R2-4])

This application having been heard on 9th August 2007 the Tribunal
on the same day delivered the following :-

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant in this O.A has prayed for the following reliefs :-

1. To call for the records relating to Annexure A-1 to Annexure A-17 documents, and to quash Annexure A-12 to Annexure A-15 orders in force.

.2.

2. To declare that the applicant's option to Department of Telecom was obtained by the respondents in the absence of clear rules and procedures, and also in the absence of a circular containing Rule 37A of CCS (Pension) Rules, 1972.

3. To declare that the applicant's option form (Annexure A-2) contains a remarks about the pendency of the Original Petition, and as per the order in C.M.P No.7947/2001 in O.P.No.4847/2001-B (Annexure A-3) and the option was subject to the final result of the O.P.; and on the basis of Annexure A-7 and Annexure A-9, the applicant's option was confirmed to BSNL w.e.f 1.10.2000.

4. To declare that the applicant's option to BSNL was complete and final as per Annexure A-7 and Annexure A-9.

5. To declare that the applicant is eligible for salary as applicable to BSNL employees with effect from 1.10.2000 including arrears till the date of his retirement, and also terminal pension benefits under the BSNL scheme.

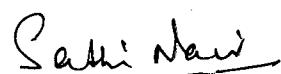
2. The main contention in the O.A is that the applicant's option to the Department of Telecom was obtained in the absence of clear rules and procedures and that option made by him to BSNL was complete and final. When the matter came up today, counsel for the applicant submitted that BSNL has called for fresh options and that he has already submitted his option which has also been received by the BSNL. Counsel for the respondents (BSNL) confirms the position and submits that the option is now being examined by the BSNL and a decision will be taken. In these circumstances, we do not find any reason to keep this application pending and it is disposed of with the hope that the BSNL will take action expeditiously. The O.A is disposed of accordingly.

(Dated the 9th day of August 2007)



K.B.S.RAJAN
JUDICIAL MEMBER

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SATHI NAIR
VICE CHAIRMAN