

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

-----  
ORDER SHEET

---

**ORDERS OF THE TRIBUNAL**

---

**5.11.2009**

TA No.04/2009 (CWP 6569/2006)

Mr. S.K.Singodia, counsel for applicant  
Mr. Inderjeet Singh, counsel for respondents

Heard the learned counsel for the parties.

For the reasons dictated separately, the OA is dismissed.

  
(M.L.CHAUHAN)  
Judl. Member

R/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

JAIPUR, this the 5<sup>th</sup> day of November, 2009

**T.A. No.04/2009**  
(SBCWP No.6569/2006)

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)

Makkhan Lal,  
s/o Shri Nathi Lal,  
r/o Lal Darwaja, Near School,  
Plot No.7, Banyan,  
Distt. Bharatpur.

.. Applicant

By Advocate: Shri S.K.Singodia)

Versus

1. Bharat Sanchar Nigam Limited through Chairman Cum Managing Director, 20, Ashok Road, New Delhi.
2. General Manager, Bharat Sanchar Nigam Limited, Bharatpur, Distt. Bharatpur.
3. Sub Divisional Engineer (Phones), Bharat Sanchar Nigam Limited, Bari, Distt. Dholpur.

... Respondents

By Advocate: Shri Inderjeet Singh)

**ORDER (ORAL)**

The applicant filed a Writ Petition before the Hon'ble High Court thereby praying that the respondents may be directed not to reduce pension of the petitioner and further to determine the


62

pension of the petitioner as per the revised pay scale of Rs. 66607/-.

The said Writ Petition was transferred by the Hon'ble High Court as jurisdiction in respect of the employees of the Bharat Sanchar Nigam Limited (BSNL) has been conferred to this Tribunal.

2. The grievance of the applicant in this case is that earlier the applicant was granted enhanced pension and now the respondents have reduced pension of the applicant from Rs. 2793/- to Rs. 2391/- which action of the respondents is contrary to law. It is on the basis of these facts the applicant has filed this OA.

3. The respondents have filed reply. The respondents have stated that the applicant has submitted his option for absorption in BSNL w.e.f. 1.10.2000 and the Government of India, Department of Telecommunications vide order dated 24.1.2002 permanently absorbed the applicant in BSNL w.e.f. 1.10.2000. It is further stated that even the applicant has filled up his option form for absorption in BSNL w.e.f. 1.10.2000 after his retirement. It is further stated that on the basis of the said option form, the order dated 24.1.2002 was passed by which he has permanently absorbed in the services of the BSNL w.e.f. 1.10.2000. As such, pension case of the applicant was to be revised and he was again fixed in IDA scale w.e.f. 12.10.2000 because IDA scale is applicable on Public Sector Undertakings whereas earlier the applicant was getting the pension in accordance with CDA scale which was applicable to the employees of Telecommunication Department. Thus, according to the respondents, there is no infirmity whereby the pension of the applicant was revised on account of his option in the BSNL w.e.f.



1.10.2000. The respondents have also placed on record a copy of the PPO order dated 1.10.2003 (Ann.R/4) which PPO has been issued on the basis of the option exercised by the applicant for his permanent absorption in BSNL w.e.f. 1.10.2000.

4. The applicant has not filed rejoinder.

5. I have heard the learned counsel for the parties and gone through the material placed on record.

6. It is not the case of the applicant that pension of the applicant as mentioned in the PPO, as issued by the respondents on account of absorption in BSNL, has not been correctly worked out. Thus, in view of the aforesaid fact once the applicant has exercised option for his absorption in BSNL with effect from retrospective date, I am of the view that he is not entitled to pension in CDA scale and the pension case of the applicant has to be processed in the light of the IDA scale which is admissible to the employees of the BSNL.

7. Accordingly, the OA is bereft of merit, which is dismissed with no order as to costs.



(M.L. CHAUHAN)

Judl. Member

R/