

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**OA-3723/2015
MA-3617/2015
MA-3677/2015**

Reserved on : 24.05.2016.

Pronounced on :27.05.2016.

Hon'ble Mr. Shekhar Agarwal, Member (A)

Sh. Sudhir Chopra (retired SS(O) from MTNL,
S/o late Sh. Harbans Lal Chopra,
R/o EPT-13, P&T Colony,
Dev Nagar, Karol Bagh,
New Delhi-5.

..... Applicant

(through Sh. B.L. Wanchoo with Sh. G.D. Chawla, Advocate)

Versus

1. Union of India through
The Secretary,
M/o Communication & IT,
Department of Telecommunications,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi-110001.

2. The Executive Director,
Manager Telephone Nigam Limited,
K.L. Bhawan, New Delhi-110050.

3. General Manager (Finance),
Manager Telephone Nigam Limited,
K.L. Bhawan, New Delhi-110050. Respondents

(through Sh. Hanu Bhasker, Sh. Ishaan Chawla and Ms. Leena Tuteja,
Advocates)

O R D E R

This O.A. was earlier filed seeking the following relief:-

“(i) To quash and set aside the impugned order dated 14-05-2015 at Ann. A-1 along with the notification of 24-09-2015 (Ann. A-10 colly).

- (ii) To direct the respondent to settle the period of suspension by setting aside the character of 'Dies Non' and treating the period as Non-Duty for the reasons of the applicant having not been able to join anywhere.
- (iii) To release all retiral benefits by setting aside all adverse action arising out of fabricated case of allegation and pay the arrears at penal rate of interest @18% per annum for the avoidable delay. As per rules the retiral dues are required to be paid on the date of retirement in terms of Rule 64 read with 61(4).
- (iv) To pass any other order or orders, direction or directions as deemed fit in the facts and circumstances of the case so as to meet the ends of justice.
- (v) To allow this OA with heavy cost, because the applicant has been dragged into avoidable litigation."

2. When it was pointed to the applicant and his counsel during the course of hearing of the case on 24.05.2016 that he was seeking multiple reliefs in this O.A., learned counsel for the applicant, on instructions from the applicant, stated that the applicant was not pressing Clauses 8.1 and 8.2 of the prayer clause anymore and was only seeking the relief asked for in Clause-8.3. Accordingly, this O.A. has been heard only for Clause-8.3.

3. Applicant was originally an employee of Department of Telecommunications where he had joined on 15.09.1975. On 07.02.1997, he was selected for the post of LDC in MTNL. He got promoted to the post of Section Supervisor on 09.09.1992. On 14.02.1998, he was taken into custody by police in a criminal case

and remained under detention upto 20.02.1998. He was placed under deemed suspension w.e.f. 14.02.1998 and remained suspended upto 04.07.2006. He was convicted by trial Court under Sections 170 and 384 of the IPC and awarded sentence of simple imprisonment of four months. He was also directed to pay fine. His appeal against the aforesaid order was dismissed so far as the conviction was concerned. The sentence was, however, modified by the District Judge.

4. Separately, by order dated 14.02.2001, the applicant was absorbed in MTNL. This was a Presidential order. However, it was kept in abeyance by another order issued on 10.09.2004. The applicant retired on 31.05.2015. His grievance is that he has not been paid his retiral benefits even upto now. He has submitted that even his GPF has not been released to him. Hence, he was seeking the relief as mentioned in prayer Clause-8.3 above.

5. The contention of the applicant is that the action of the respondents was arbitrary and mala fide. He was implicated in a false, frivolous and fabricated case because of which he has suffered a lot. The respondents have failed to discharge their mandatory duty causing enormous loss to him besides humiliation and mental injury. Such action of the respondents suffered from vice of arbitrariness.

6. MTNL in their reply have submitted that they received an order dated 28.10.2015 from Department of Telecommunications by which it was informed that the order dated 10.09.2004 by which Presidential order dated 28.10.2015 regarding absorption of the applicant in MTNL had been kept in abeyance, has been withdrawn and the applicant now stands permanently absorbed in MTNL. Accordingly, MTNL on 05.11.2015 requested the applicant to submit his pension papers for pro-rata retiree at the earliest. The applicant was informed that his pension case will be processed on pro-rata basis as per the option exercised by him. Further, they have stated that other retiral dues, such as, arrears of pay w.e.f. 07.07.2006 to 31.05.2015, leave encashment amount, conversion of GPF to CPF etc. were also being processed. The respondents have stated that they were waiting for the submission of the required documents by the applicant.

7. I have heard both sides and have perused the material on record. The only prayer made in this O.A. is for release of retiral benefits. The respondents have submitted that they were ready to process the same and were only awaiting submission of required documents by the applicant.

8. In view of the stand taken by the respondents, I dispose of this O.A. with a direction to the applicant to submit the necessary

documents regarding his retiral benefits to the respondents within 15 days from the date of receipt of a certified copy of this order. The respondents are also directed to release the admissible retiral dues to the applicant within two month thereafter. No costs.

**(Shekhar Agarwal)
Member (A)**

/Vinita/