

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 1467/2017

New Delhi, this the 29th day of August, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Virendra Kumar, retired Chief General Manager,
Aged 73 years,
Son of Late Sh. Sohan Lal Gupta,
Resident of G-3, Sangam Vihar,
Under Hill Road,
Civil Lines,
Delhi – 110 054.
2. V. K. Mehra, retired Chief General Manager,
Aged 73 years,
Son of Sh. Ram Gopal Mehra,
Resident of Flat No. 44, Pocket F,
DDA SFS Flats,
Sheikh Sarai,
Phase-1, New Delhi-110 017.
3. N. L. Sahi, retired Chief General Manager,
Aged 73 years,
Son of late Sh. R. K. Sahi,
Resident of A-3/253,
Paschim Vihar,
New Delhi 110 063.
4. P.A. Mohd. Yaseen, retired Chief General Manager,
Aged 76 years,
Son of Late Sh. P. H. Abdul Khader,
Resident of 47, Shaik Dawood Street,
Royapettah,
Chennai : 600 014.
5. K. J. Chacko, retired Chief General Manager,
Aged 72 years,
Son of Late Sh. Chacko John,
Resident of TC-2/3034 (1),
PLRA-55, Panachamoodu Lane,
Pattom,
Trivandrum – 695004.

6. Late Sh. K. Venkataramani,
 Retired Chief General Manager,
 Aged 70 years,
 Son of Sh. V. Krishna Murthy,
 Through, Smt. V. Visalakshi, wife, (LR)
 Resident of 22/7A, Gandhi Mandapam Road,
 Kotturpuram,
 Chennai-600085.
7. T. Ramamurthy, retired Chief General Manager,
 aged 76 years,
 Son of Sh. N. Tayagraja Iyer,
 Resident of 291, Fourth Cross Street,
 Kapaleeswarar Nagar,
 Chennai – 600 115.
8. C. Nithiyanantham, retired Chief General Manager,
 aged 74 years,
 Resident of Flat No. 902, Nilgiri,
 Neelkanth Vihar,
 Bhagat Ram Kanwar Marg,
 Ghatkopar (East),
 Mumbai – 400 077. ...Applicants

(By Advocate : Mr. Ranvir Singh)

Versus

1. The Union of India, through
 The Secretary,
 Department of Public Enterprises,
 Public Enterprises Bhavan,
 14, CGO Complex, Lodhi Road,
 New Delhi – 110 001.
2. The Secretary,
 Department of Telecommunication & I.T.,
 20, Ashoka Road, Sanchar Bhavan,
 New Delhi – 110 001.
3. Chairman and Managing Director,
 Bharat Sanchar Nigam Ltd.,
 Corporate Office,
 Bharat Sanchar Bhavan, Janpath,
 New Delhi – 110 001. ...Respondents

(By Advocate : Mr. Kumar Onkareshwar for Respondents no. 1 & 2 and Ms. Suhani Dhingra for Respondent no. 2)

O R D E R (O R A L)

Justice L. Narasimha Reddy, Chairman :

The applicants joined the service of the Department of Telecommunications and retired from that very organisation. Substantial part of the activity of the Department of Telecommunication was made over to two Corporate Agencies i.e., BSNL and MTNL. Some of the employees of Department of Telecommunication were absorbed in BSNL and MTNL on exercise of the options. The applicants' state that they have been absorbed in service of BSNL through order dated 31.10.2006 after their retirement, with effect from 01.10.2000 but, the obligation to pay the pension was kept with the Government.

2. It is stated that the pay scales in Public Sector Enterprises like BSNL are required to be revised, on par with those in the Power Finance Corporation and despite that the applicants were not extended the benefit of the revised pay scales. They made representation dated 23.09.2011 claiming certain benefits.

3. On an earlier occasion, the applicants filed O.A No. 1512/2013 claiming the relief of sanction of pay scale of Rs.75000-1,00,000/-. The O.A was dismissed by the

Tribunal. Thereupon, they filed W.P.(C) No. 1701/2017 before the Delhi High Court. The Writ Petition was also dismissed. However, the applicants sought leave to challenge the office memorandums dated 02.04.2009 and 15.03.2011 issued by the respondents. This O.A is filed to challenge not only those two office memorandums but also a bunch of other office memoranda and for a direction to the respondents to fix the applicants' pay/pension in the revised pay scale of Rs.74,000-91,600/- with effect from 01.01.2007.

4. The respondents filed counter affidavit raising objection as to maintainability of the O.A. It is stated that the applicants are not entitled to the benefit at all and the pension of the applicants was fixed strictly in accordance with the relevant provisions of law.

5. Heard Mr. Ranvir Singh, learned counsel for applicants, Mr. Kumar Onkareshwar for Respondents no. 1 & 2 and Ms. Suhani Dhingra for Respondent no. 2.

6. This case has certain peculiar features. Even according to the applicants they never worked in BSNL and they retired from service sometime in 2006 from the Department of Telecommunications. However, they were

absorbed and regularised in the service of BSNL after their retirement. We hardly come across such a peculiar situation. Be that as it may, the obligation to pay pension to the applicants is placed upon the Government. If the revision of the pay scale has the impact on the pension payable to the applicants, the decision in this regard has to be taken by the Government. Though the applicants made a representation dated 04.03.2013, we are of the view that the facts were not put forth in a simplified and proper form. It is only when the respondents came forward with their view point that the occasion would arise for adjudication. We do not find any basis to interfere with the memoranda, that are challenged in this O.A.

7. We, therefore, dispose of the O.A leaving it open to the applicants to submit representation with clear facts duly referring the relevant provisions of law. As and when such representation is made, the respondents shall pass orders thereon within a period of three months from the date of receipt thereof. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/