

**Central Administrative Tribunal
Madras Bench**

OA/310/01350/2018

Dated Monday the 10th day of October Two Thousand Eighteen

P R E S E N T

**Hon'ble Mr. R.Ramanujam, Member(A)
&
Hon'ble Mr.P.Madhavan, Member(J)**

P.Varadarajan
S/o Pitchaikaran,
No.994, 1st Floor,
2nd Street, 11th Main Road,
Anna Nagar (West),
Chennai 600 040. .. Applicant
By Advocate **M/s.R.Malaichamy**

Vs.

1. Union of India, rep by the
Joint Secretary,
M/o Personal, Public Grievances & Pension,
Department of Personal & Training,
North Block, New Delhi 110 001.
2. The Principal General Manager,
(Building Works),
Bharat Sanchar Nigam Ltd.(BSNL),
Corporate Office, D.T.O. Building,
Kasemere-Gate, New Delhi.
3. The Chief General Manager,
Bharat Sanchar Nigam Ltd.(BSNL),
Tamil Nadu Telecommunications Circle,
No.16, Greaves Road, Chennai 600 006.
4. The Chief General Manager,
Bharat Sanchar Nigam Ltd.(BSNL),
Mumbai Telecommunications Circle,
6th Floor, 'A' Wing, BSNL,
Administration Building,
Juhu Danda, Santacruz(W),

- Mumbai 400 054.
5. The Chief Engineer (Civil),
Bharat Sanchar Nigam Ltd.(BSNL),
Tamilnadu Civil Zone,
No.60, Ethiraj Salai,
Chennai 600 008.
 6. The Principal Chief Engineer (Civil),
Maharashtra (West) Zone,
5th Floor, 'A' Wing, BSNL,
Administration Building,
Juhu Danda, Santacruz(W),
Mumbai 400 054.
 7. The Principal Controller of Communication Account,
Tamil Nadu Telecom Circle,
No.60, Ethiraj Salai,
Chennai 600 008.
 8. The Principal Controller of Communication Account,
Maharashtra Telecom Circle,
BSNL Admn. Complex,
3rd Floor, 'C' Wing,
Juhu Danda, Santacruz(W),
Mumbai 400 054.
 9. The Executive Engineer(HQ),
O/o the Principal Chief Engineer(Civil),
Maharashtra (West) Zone,
5th Floor, 'A' Wing, BSNL,
Administration Building,
Juhu Danda, Santacruz(W),
Mumbai 400 054.
 10. The Secretary,
Department of Telecommunication,
No.20, Asoka Road,
Sanchar Bhawan,
New Delhi 110 001.

.. Respondents

ORAL ORDER

[Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)]

Heard. The applicant has filed this OA seeking the following reliefs:-

“(i) To call for the records of the 9th respondent pertaining to his order which is made in No.PF/P.Varadharajan/Ex.SDEc/2017/PCEMZ/BSNL/31 dated 16.1.2018 and the order made in No.PF/P.Varadharajan– Ex – SDE(C)/PCE(C)MHWZ/BSNL/2017/614 dated 28.12.2017 and set aside the same; consequent to,

(ii) to direct the respondents BSNL authorities to settle the entire retirement service benefits in full and final and thereby to revise and re-fix the retirement service benefits with interest at the rate of 24% per annum towards belated payment and also to pay compensation to him; and

(iii) To pass such further orders as this Tribunal may deem fit and proper.”

2. It is submitted that the applicant was entitled to settlement of his dues on the basis that his pay would be fixed as per the BSNL scale of pay. Accordingly the applicant must be paid a balance amount after deducting the amount already paid to him, with interest as applicable to GPF deposits. The respondents were bound by a direction in this regard issued by this Tribunal by OA 592/2015 dated 11.1.2017. However, the respondents have passed the impugned orders dated 16.1.2017 and 28.12.2017 without any reference to such direction and rejecting the claim of the applicant stating that all the retirement dues of the applicant had already been settled by an order dated 21.6.2010 in accordance with the judgement of this Tribunal in OA 487/2011. Such an order by the authorities in the backdrop of the order of this Tribunal in OA 592/2015 was bad in law, it is contended.

3. On perusal, it is seen that this Tribunal had considered the applicant's grievance in OA 592/2015 and passed an order to the effect that the applicant could not count the period spent as dies non as qualifying service for the purpose of pension although his previous service would not be forfeited. The only relief the applicant was entitled to was that his pay should be fixed as per the BSNL scales of pay and the amount had to be worked out and the applicant paid after deducting the amount already paid to him with interest applicable to the GPF amount. In as much as the impugned order does not make any reference to this order, it would appear that the same had been passed independently of the same. Perhaps the respondents had no knowledge of the order of this Tribunal in the previous round of litigation.

4. In the above circumstances, we are of the view that this OA could be disposed of with a direction to the respondents to withdraw the impugned orders and pass a fresh, detailed and speaking order with due reference to the order passed by this Tribunal in OA 592/2015 within a period of two months from the date of receipt of a copy of this order.

5. OA is disposed of at the admission stage.

(P.Madhavan)
Member(J)

10.10.2018

(R.Ramanujam)
Member(A)

/G/