

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.322/2018

Date of Decision : 2nd May, 2018

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)

Shri V.P. Rahate
Sub Divisional Engineer,
(Voluntary Retired), aged 58 years
O/o. The Chief General Manager,
BSNL Admn. Bldg., Juhu Danda,
Santacruz (W), Mumbai 400054.
Residing at Flat No. 51, Bldg. No. 26,
Vijay Nagari Annex, Waghbil,
Ghodbunder Road,
Thane (W) 400615.
(By Advocate Shri G.B. Kamdi)

- Applicant

Versus

1. *Bharat Sanchar Nigam Ltd.*
Through Chairman & Managing Director,
Bharat Sanchar Bhawan H C Mathur
Lane Janpath New Delhi 110001.
2. *The Chief General Manager,*
BSNL, Telecom Maharashtra Circle,
Admn Bldg. Juhu Road, Santacruz (W)
Mumbai 400054.
3. *The Secretary.*
Government of India,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan, 20 Ashoka Road,
New Delhi 110001.
4. *The Principal Controller of Communication*
Accounts, DOT, Maharashtra Circle,
Admn Bldg. Juhu Road, Santacruz (W)
Mumbai 400054.

5. *The General Manager (Finance)*
O/o. The chief General Manager,
Maharashtra Circle BSNL, admn
Building Santacruz (W)
Mumbai 400054.

- Respondents.

(By Advocate Shri V.S. Masurkar)

ORDER (ORAL)

PER: SHRI ARVIND J. ROHEE, MEMBER (J)

Today when the matter is taken up for Admission, heard Shri G.B. Kamdi, learned Advocate for the applicant. I have carefully perused the case record.

2. The applicant has secured voluntary retirement while working on the post of Sub Divisional Engineer under respondent No.5 w.e.f. 15.05.2017. According to him, the last pay drawn by him was Rs.44,550/- as on that date. However, the respondents while issuing Pension Pay Order illegally reduced the basic pay to Rs.43250/- and accordingly pension was fixed at the reduced rate.

3. In this OA, the following reliefs are sought:-

"8(a) To allow the Original application.

(b) This Hon'ble Tribunal may be pleased to call for record of the case and after going through its propriety and legality be pleased to direct the respondent No.4

to settle the claim of the applicant for pensionary benefit as Gratuity and Monthly Pension as per last pay drawn on the date of retirement i.e. Rs.44550/- without any correction or revision in pay fixation.

(c) This Hon'ble Tribunal may please be directed to the respondent Nos.5 & 5 to pay leave encashment on the basis of the last pay drawn i.e. Rs.44550/- with interest @18% being delay in payment as per provision of the rules and judgments of the Apex Court.

(d) To pass any other just and appropriate orders this Hon'ble Tribunal may deem fit, proper and necessary if the facts and circumstances of the case.

(e) The cost of this original application please be provided.

4. The record shows that the applicant submitted a representation dated 06.04.2018 (Annexure A-13) to the respondent No.4 for redressal of his grievance. However, so far nothing has been heard from the other end.

5. At this stage, Shri V.S. Masurkar, learned standing counsel appeared on behalf of all the respondents and accepted the copies of OA. Heard him also on admission of OA.

6. It is obvious that since the PPO has been issued at the reduced last drawn basic pay, the applicant is presently receiving pension at the reduced rate. Considering the fact that a representation is still pending, it

will be appropriate to issue directions in the matter for redressal of his grievance.

7. In view of above, respondent No.4 is directed to consider and pass a reasoned and speaking order on the pending representation dated 06.04.2018 (Annexure A-13) of the applicant, in accordance with law, within a period of four weeks from the date of receipt of a certified copy of the order.

8. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum, in case his grievance still persists.

9. The OA stands disposed of with the aforesaid directions at the admission stage, without making any comments on the merits of the claim and after hearing both the learned Advocates for parties.

10. Registry is directed to forward certified copy of this order to both the parties at the earliest, for taking appropriate steps in the matter.

ma.

(A.J. Rohee)
Member (J)