

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.229/2018

Date of Decision : 23rd April, 2018

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'ble SHRI R. VIJAYKUMAR, MEMBER (A)

K. Ashok s/o Katkam Pandaiah
 working as a Senior Sub Divisional
 Engineer at O/o Western Telecom
 Region, Tuljapur, BSNL,
 Telephone Bhavan, Osmanabad Road,
 Tuljapur, District Osmanabad - 413 601.
 R/at. C/o. Mahesh Inamdar,
 Poojari Bhawani Shankar,
 near Bank of Maharashtra,
 Kaman Vyes Tuljapur
 - 413 601.

... **Applicant**

(By Advocate Shri A.A. Manwani)

Versus

1. Chairman & Managing Director
 Bharat Sanchar Nigam Limited
 Sanchar Bhawan,
 Harish Chandra Mathur Lane
 New Delhi - 110 001.
2. Director (Human Resources),
 Bharat Sanchar Nigam Limited
 4th Floor, Bharat Sanchar Bhawan,
 Janpath, New Delhi - 110 001.
3. The Chief General Manager
 Western Telecom Region
 11th & 12th Floor, Prabhadevi
 Telephone House, Dadar West,
 Mumbai - 400 028.

... **Respondents**

(By Advocate Shri V.S. Masurkar)

ORDER (ORAL)**PER: SHRI ARVIND J. ROHEE, MEMBER (J)**

In this OA, the applicant has challenged the impugned order dated 05.02.2018 (Annexure A-1) communicated to him vide letter dated 01.03.2018 (Annexure A-2) by which it is directed that since he has completed 50 years of age, he shall stand retired from service on forenoon of 5th May, 2018. Thus, three months notice is given to the applicant.

2. The record shows that the applicant submitted a representation dated 09.03.2018 by speed post to Director (Human Resources), Bharat Sanchar Nigam Limited, New Delhi - Respondent No.2 against the impugned order. The said representation is still pending. Since nothing has been heard from the other end within 15 days, the applicant approached this Tribunal in the present OA on 26.03.2018. Interim relief to stay the effect, implementation and operation of the impugned order is also sought.

3. This Tribunal on 03.04.2018 after considering the material on record and hearing the learned Advocate for the applicant

directed that in the interest of equity, it is considered appropriate to grant interim relief and to issue notice directing the respondents to file short reply on 13.04.2018, so that the matter can be considered.

4. On 13.04.2018 Shri V.S. Masurkar, learned Advocate appeared for the respondents in pursuance of notice and sought time to file reply to the OA. Now the reply has been filed on 20.04.2018. It is stated that the Rules have been amended on 07.07.2017 and the age limit of 55 years in the old rules have been reduced to 50 years. On interrogation with the applicant, it is stated that his Date of Birth is 03.04.1962. It is thus by the date when impugned order was issued, he has not only completed 50 years as per new rules but 55 years also as per old rules. However, it was expected of the Respondent No.2 to consider the representation and communicate the decision to the applicant thereon, quoting the relevant amended rules so that it could be challenged by applicant if still aggrieved.

5. Heard the both the learned Advocates for the parties.

6. The record shows that the applicant has not mentioned his Date of Birth in the synopsis or OA nor he has referred the amended rules of 07.07.2017 by which the age limit has been reduced to 50 years. The learned Advocate for the applicant submitted that the amended rules were not uploaded on the internet nor it was served on the applicant and hence he could not refer the amended rules. We do not find any force in this contention.

7. However, considering the fact that till 05.05.2018 the applicant is not in danger zone, since that order will be effective only thereafter, the OA stands disposed of with a direction to the respondent No.2 to consider and pass a reasoned and speaking order on the pending representation dated 09.03.2018 of applicant within a week's time i.e. till 30.04.2018 and communicate the same to the applicant, so that in case he has still any grievance, he would approach the appropriate forum.

8. Steno copy of this order duly authenticated shall be given to both the learned Advocates for the parties.

9. In addition to that, learned Advocate for the respondents is directed to communicate this order orally to respondent No.2.

10. The OA stands disposed of with the above direction without making any comments on merit of the case, however with no order as to costs.

11. Registry is directed to forward a certified copy of this order to both the learned Advocates for the parties.

(R.Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

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