

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/00925/2016

DATED THIS THE DAY OF 5TH SEPTEMBER, 2018

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI DINESH SHARMA**

**...MEMBER (J)
...MEMBER(A)**

V.Natarajan,
S/o Late B.Venkataraman,
Aged 61 years,
Residing at No.864, 4th Cross,
Muneshwara Layout,
Manorayana Palya,
R.T.Nagar Post,
Bengaluru-560 032.

...Applicant

(By Advocate Shri A.R.Holla)

Vs.

1. Union of India,
By Secretary,
Ministry of Communications & Information Technology,
Department of Telecom Services,
Sanchar Bhavan,
No.20, Ashoka road,
New Delhi – 110 001.

2. Bharat Sanchar Nigam Limited,
Corporate Office,
4th Floor, Bharat Sanchar Bhavan,
H.C.Mathur Lane,
Janpath,
New Delhi – 110 001,
By its Chairman & Managing Director.

3. The General Manager [NOW-CFA] East,
BSNL, Bangalore Telecom District,
Halasuru Telephone Exchange Building,
Bengaluru – 560 008.Respondents

(By Standing Counsel Shri M.Swayam Prakash for Respondent-1 and Shri Vishnu Bhat for Respondent-2&3)

ORDER

HON'BLE SHRI DINESH SHARMA **...MEMBER(A)**

The facts of the case, in brief, are as follows.

2. The applicant had joined the Department of Telecommunications in 1981 as casual labourer. He was absorbed as Lift Operator, Group 'D' and later appointed as Telephone Operator. His services were absorbed in BSNL with effect from 1.10.2000. Following disciplinary proceedings against him and based on the findings of an enquiry, he was dismissed from service by an order dated 17.04.2007. His challenges against this order have been unsuccessful before this Tribunal and the Hon'ble High Court. His only request, under this OA now, is to grant him benefit of pension, for the services rendered by him under the Department of Telecommunications, in the light of sub Rule 25(c) of Rule 37-A of the CCS (Pension) Rules, 1972.

3. The Rule quoted above reads as follows:

"the dismissal or removal from service of the Public Sector Undertaking of any employee after his absorption in such undertaking for any subsequent misconduct shall not amount to forfeiture of the retirement benefits for the service rendered under the Government....."

4. The respondents have denied the claim of the applicant on the ground that the misconduct for which the applicant was punished started in July 1999, while he was in the Department of Telecommunication and continued when he was absorbed under the BSNL. Therefore, the rule quoted above does not apply to

him since he was not punished for any "subsequent misconduct". The respondents have also alleged that this request is barred by period of limitation.

5. After examining the pleadings and hearing the parties it is clear that the only issue which needs to be examined for disposal of this case is whether 25(c) of Rule 37-A of CCS (Pension) Rules 1972 applies on the facts of this case. A plain reading of this Rule will make it clear that it does not. His misconduct is not subsequent to his absorption in the Public Sector Undertaking. The application also suffers from being very much delayed in time and the reasons given by the applicant for condonation of delay are not sufficient. Hence the OA is dismissed on merits as well as on ground of it being barred by period of limitation. No costs.

(DINESH SHARMA)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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Annexures referred to by the applicant in OA No. 170/00925/2016

1. Annexure A1 : Copy of the order dated 21.01.2001.
2. Annexure A2 : Copy of the order dated 17.4.2007.
3. Annexure A3 : Copy of the order dated 27.03.2007.
4. Annexure A4 : Copy of the circular dated 21.07.2009.
5. Annexure A5 : Copy of the Applicant's representation dated 10.11.2014.
6. Annexure A6 : Copy of the order dated 21.07.2016 in OA No.1474 of 2014.

Annexures referred to by the Respondents-1

1. Annexure R1 : Copy of the Order of Hon'ble High Court of Karnataka in W.P.No.44463/2016 dated 4.10.2016

Annexures referred to by the Respondents-2&3

1. Annexure R1 : Copy of the Rule 9 of CCS (Pension) Rules
2. Annexure R2 : Copy of the Rule 24 of CCS (Pension) Rules
