

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No. 021/916/2017

Date of Order: 18.12.2018

Between:

B. Laxman Rao, S/o. late Narahari,
Aged about 66 years, Occ: Senior Telephone Supervisor,
R/o. H. No. 1-7-804, Hunter Road,
Hanamkonda, Warangal, Telangana.

...Applicant

And

1. Union of India, Rep. by its Secretary,
Department of Telecommunications,
20 Ashoka Road, New Delhi -1.
2. The Principal Controller of Communication Accounts,
Ministry of Communications and Information Technology,
Department of Telecommunications, Abids, Hyderabad.
3. The Bharat Sanchar Nigam Limited,
Rep. by its Chairman and Managing Director,
BSNL Corporate Officer, Barakumba Road,
Statesman House, New Delhi -1.
4. The Chief General Manager,
Telangana Telecom Circle (BSNL),
Door Sanchar Bhavan, Nampally Station Road,
Abids, Hyderabad – 500 001.
5. The General Manager Telecom District,
BSNL, Warangal, Warangal district.

...Respondents

Counsel for the Applicant ... Dr. A. Raghu Kumar

Counsel for the Respondents ... Mrs. K. Rajitha, Sr. CGSC for RR 1 & 2
Ms. K. Sridevi, SC for BSNL

CORAM:

Hon'ble Mr. B.V. Sudhakar ... ***Member (Admn.)***

ORAL ORDER
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

The OA is filed for not granting pension and pensionary benefits to the applicant.

2. Brief facts of the case are that the applicant joined the erstwhile Department of Telecommunications (DoT) as Telephone Operator on 16.06.1971 and later, was promoted as Sr. Telecom Operating Assistant. On 01.10.2000 BSNL was formed and the staff of DoT were transferred to BSNL on 'as is where is basis'. The applicant opted for BSNL and was accordingly absorbed vide Presidential order dt. 01.10.2000. From May 2003, the applicant could not attend duty till the date of his superannuation i.e. 30.06.2011 due to reasons of sickness and thereafter leaving for United States of America on personal grounds. The respondents have proceeded against the applicant for unauthorized absence and removed him from service w.e.f. 20.05.2003 vide penalty order dt. 21.11.2007. The applicant is requesting for grant of pension as per DoT Memo. F. No. 318-12/2008-Pen(T) dt. 21.07.2009 wherein it is stated that employees of BSNL are entitled to retirement benefits for the service rendered under the Government even if they are dismissed/ removed from service after their absorption in BSNL for any misconduct during service in BSNL. The retirement benefits in such cases shall be admissible from the day following the date of dismissal/ removal from BSNL. The applicant is seeking pension which has been denied and hence, the OA.

3. The contention of the applicant is that as per the DoT Memo. dt. 21.07.2009, he is entitled for retirement benefits.

4. The respondents contend that the applicant has not made any representation seeking retirement benefits for considering the same.

5. Heard learned counsel for the both sides. Learned counsel for the applicant stated that the applicant is eligible for pension as per the cited Memo of DoT and hence, the applicant should be granted the same. Learned counsel for the respondents informed that in the absence of any representation, there is no scope to examine the request of the applicant.

6. In view of the above submissions and after perusing the records on file, the way out to resolve the issue is that the applicant should make a representation to the respondents for examining the same and take a view based on the rules cited. Learned counsel for the applicant stated that if such a direction is given it would suffice and the learned counsel for the respondents also agreed for the same. Therefore, the applicant is directed to submit a comprehensive representation within 15 days from the date of receipt of this order and the respondent have to dispose of the same within 60 days on receipt of such representation by them as per the rules and regulations in vogue. Accordingly, with the above directions, the OA is disposed of with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 18^h day of November, 2018

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