

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, KOLKATA

OA/350/00123/2019

PARTICULARS OF THE APPLICANT:

TARAK NATH BHATTACHARYA, son of late Bimal Krishna Bhattacharya, aged about 74 years, worked as Junior Telecom Officer (JTO), residing at 18, Sarada Pally Sector – II, Post Office – Mkhla, District – Hooghly, Pin 712 245, West Bengal

.... APPLICANT

V E R S U S

- I. Union of India, through the Secretary, Department of Telecommunication, Ministry of Communication and IT, Government of India, New Delhi Sanchar Bhaban, 20 Ashoka Road, New Delhi 1
- II. The Chief General Manager, Calcutta Telephones, (CFA), BSNL, Telephone Bhawan, 34, B B D Bag, Kolkata 700 001
- III. The Deputy General Manager, (NWO) Serampore, Calcutta Telephones, BSNL, 96, Dey Street, Serampore, Hooghly, Pin 712201

.....RESPONDENTS

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/123/2019

Date of Order: 05.03.2019

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

Tarak Nath Bhattacharya -vs- BSNL

For the Applicant(s): Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel
For the Respondent(s): Mr. S. K Ghosh, Counsel
Mr. S. Panda, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicant.

2. As no-one appears on behalf of the Respondents, and Mr. S.K.Ghosh, Ld. Counsel, who usually appears for the BSNL, is present in the Court, on my request, Mr. Chakraborty has served copy of the O.A. along with annexures, on him as I do not want the Official Respondents to go unrepresented. Heard Mr. Ghosh, in extenso.

3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“ 1) An order do issue directing the respondents to finalise the pension of the applicant and to release pension commutation value, Gratuity and Leave encashment with interest @ 18% p.a since the applicant was honourably acquitted from the criminal charges.

2) An order do issue directing the respondents all consequential benefits i.e benefit under permanent BSNL medical reimbursement schemes, permanent concessional telecom facility, Time bound IDA financial up gradation of JTO with effect from 01.10.2004 50% IDA merger facility, revision of pension from the pensioner of BSNL of pre-2007 (2nd PRC), 78.2% increase in the Basic pay and promotion to the post of SDE.”

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4. The case of the applicant, in nutshell, as submitted by Ld. Counsel is that the applicant was working as Junior Telecom Officer/Uttarpara/Internal in Calcutta Telecom under BSNL and retired on superannuation on 31.01.2005. Since a case was pending before the Court of CBI, he received only provisional pension. It is submitted that, in the meantime, applicant has been acquitted by the CBI Court by order dated 30.08.2017. Thereafter, the applicant made a prayer for release of settlement dues, which was withheld for non-finalization of criminal case, and also for grant of other consequential benefits.

5. At the outset, Ld. Counsel for the applicant fairly submitted that although the applicant has preferred a representation dated 01.12.2017 (Annexure-A/6) before Respondent No.2 but till date neither any reply has been communicated to him nor his pensionary benefits have been released. He further submitted that the grievance of the applicant may be more or less redressed if his representation is considered by Respondent No.2 taking into account Annexure-A/5, the judgement passed by the CBI Court, within a specific time frame.

6. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 2 to consider the representation of the applicant under Annexure-A/6, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. I make it clear that while considering Annexure-A/6 representation, Respondent No. 2 will also keep in mind Annexure-A/5, the judgment passed by the CBI Court. It is further made clear that if after such consideration the applicant is found to be otherwise entitled then expeditious steps be taken within a further period of six weeks to release the pensionary benefits of the applicant. I also make it clear that if in the meantime the said representation has already been disposed of

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then the result thereof be communicated to the applicant within a period of two weeks.

7. With the aforesaid observation and direction, this O.A. stands disposed of.
No costs.

8. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2, for which, he undertakes to deposit the cost with the Registry within a week.

9. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)
Member(J)

RK/PS

