

*(OPEN COURT)*

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH**  
**ALLAHABAD**

This is the 19<sup>th</sup> day of **JULY, 2019**.

**ORIGINAL APPLICATION NO. 330/1524/2016**

**HON'BLE MR JUSTICE BHARAT BHUSHAN, MEMBER (J)**

1. R.P. Shukla, 73 years, s/o Late Ram Niwas Shukla R/o 151/4, Shilakhan, Teliarganj, Allahabad [Retired from the post of Senior Telecom Operating Assistant (Phones) Grade IV].
2. Kanhaiya Lal s/o Late Rajjoo R/o Block No. -1/6 Madhuban Vihar Colony, Dharmveer Marg, Nehru Park, Neeva Allahabad [Retired from the post of Chief Section Supervisor Central Telegraph Office Grade IV].
3. Smt. Manorama Devi w/o and legal heir of Late Suresh Chandra Srivasta Ist R/o A-121 Mehdauri Colony, Teliarganj, Allahabad [Retired from the post of Sr. Telecom Operating Assistant (Phones) Grade IV]
4. Sheo Kumar Pandey s/o Gauri Shanker Pandey R/o 87/151/6 Shilakhana, Teliarganj, Allahabad (Retired from the post of Senior Telecom Operating Assistant (Phones) Grade IV]
5. Bhawani Prasad s/o Late Gherro R/o 252/136/10 Chandpur Salori, Badi Bagiya, Allahabad [Retired from the post of Senior Telecom Operating Assistant (Phones) Grade IV]
6. Ram Dheer Singh s/o Late Birju Singh R/o 581 Balrampur House, Allahabad [Retired from Senior Telecom Operating Assisant (Phones) Grade IV]
7. Nisar Ahmad s/o Late Abdul Hamid R/o Village Meerakpur, Post Office Bahariya Allhabad [Retired from the post of Senior Telecom Operating Assistant (Phones) Grade IV]

.....Applicants.

**VERSUS**

1. Chairman/Managing Director, Bharat Sanchar Nigam Limited, Sanchar Bhawan, New Delhi.
2. Chief General Manager (Telecommunication)/Bharat Sanchar Nigam Limited, U.P. East Telecom Circle, Hajratganj, Lucknow.
3. General Manager, Telecom District Allahabad, Department of Telecommunication, Now Bharat Sanchar Nigam Limited, Allahabad.

.....Respondents

Advocate for the Applicant : Shri Sudhir Srivastava

Advocate for the Respondents : Shri D S Shukla

### **ORDER**

This Original Application has been filed for the following reliefs:-

- “(i) to issue an order or direction to the respondents pay the interest @ 12 % per annum to the applicants from the date of withholding the respective amounts of the applicants from their Death cum Retiral Gratuity Fund Account and on the amounts of difference of their post retiral benefits and the difference of pension till date of actual payment within time bound period.*
- (ii) to issue order or direction for decision the pending representation dated 26.10.2016 as per rules by reasoned and speaking order within time bound period.*
- (iii) to pass any such or further order as deem fit and proper as per facts and circumstances of the case.*
- (iv) award costs in favour of the applicants.”*

2. As per the Original Application, the applicants were working on the post of Telecom Operating Assistant (Phones) and retired from the service on different dates by discharging their duties a Senior Telecom Operating Assistant (Phones), Grade-IV, except applicant no. 2 who was retired from Chief Section Supervisor (Telegraph) in the Department of Telecommunication, Government of India, New Delhi.

3. All the applicants were granted Death-cum-Retirement Gratuity (D.C.R.G.) which was subsequently recovered from the applicants.

4. It is stated that later the recovered amount was returned, however, now the applicants are claiming interest on the funds recovered from them from the date of withholding the respective amounts of the applicants from their Death cum Retiral Gratuity Fund Account.

5. Learned counsel for the applicants submitted that the grievance of the applicants would be redressed, if their representation dated 26.10.2016 (Annexure No. A-7 to the OA) is decided by passing a reasoned and speaking order within a stipulated time.

6 In view of the limited prayer made by the counsel for the applicants, the OA is disposed of with the direction to the competent authority

amongst the respondents to decide the representation dated 26.10.2016 by passing a reasoned and speaking order and communicating the decision so taken within a period of four months from the date of receipt of certified copy of this order. The competent authority while passing the order will take into consideration the judgement dated 15.09.2016 of this Tribunal passed in OA No. 322 of 2015 – Sheo Ram Upadhyay & Ors Vs Union of India & Ors.

7. It is made clear that I have not entered into the merits of the case.  
No order as to cost.

**(JUSTICE BHARAT BHUSHAN)**  
**MEMBER-J**

Arun..