

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA No. 2667/2017

New Delhi this the 05th Aug, 2019

Hon'ble Sh. Pradeep Kumar, Member (A)

G.L. Juneja s/o Late Sh. Gurdial Juneja, aged 73 years, Group-B officer, working as Ex. Sub-Divisional Engineer, Deptt. Of Telecommunication, Rewari, Haryana, R/o 632/A/30, Adarsh Nagar, Rohtak Haryana

.....Applicant

(By Advocate: Sh. Sonit Sinhmar)

VERSUS

1. Union of India through its Secretary Telecommunications Ministry of Communication & IT. Department of Telecommunication, Sanchar Bhawan, Ashoka Road, New Delhi.
2. Member Services, office of Secretary, Ministry of Communication, Sanchar Bhawan, Ashoka Road, New Delhi.
3. Chief General Manager B.S.N.L. Haryana Telecom Circle, Ambala Cantt. Haryana.

.....Respondents

(By Advocate : Sh. Subhash Gosain for R-1 & 2)

ORDER (ORAL)

1.0 The applicant had joined Telecom Department on 01.05.1964. He was promoted as SDO in due course and thereafter, he was deemed deputed to BSNL on 30.09.2000. While on deemed deputation to BSNL, one charge sheet on account of bribery, was served on 04.12.2000, which

culminated in the punishment of dismissal from services. This dismissal order dated 31.01.2002 was passed by Member of Telecom Department, since it was held that his parent department was Telecom Department, and he was on deemed deputation to BSNL.

This punishment order was challenged in an OA in the Tribunal wherein the said punishment was upheld. This was challenged in higher courts also and the dismissal has been upheld by the Hon'ble Apex Court also.

2.0 The applicant filed another OA No. 3422/2013 seeking pension for the period from 01.02.2002 to 31.07.2004, i.e. the period when he served in BSNL. This OA was decided on 01.09.2015 with following orders:-

"In the circumstances, the O.A. is dismissed, being devoid of any merit. However, the applicant is at liberty to make an appropriate representation in respect of Compassionate Pension, and if such a representation is made by the applicant within a reasonable time, the respondents shall consider the same and pass appropriate reasoned and speaking orders thereon, in accordance with law, within 90 days therefrom. No order as to costs."

3.0 In follow-up of this direction, the applicant made a representation dated 28.09.2015. The issue was examined by a Committee constituted by the respondents, who vide their

recommendations dated 16.02.2016 made following recommendations:-

"Accordingly the committee recommends for sanctioning the Compassionate Allowance (i.e. Pension & Gratuity) to Shri G.L. Juneja, as deemed fit, by the competent authority as per Rule-41 of CCS (Pension) Rules, 1972 to meet the end of justice."

4.0 The applicant now pleads in instant OA that he has not been advised any order on these recommendations by the Competent Authority. The applicant drew attention to a letter dated 03.06.2017 sent by BSNL and copied to him. This letter reads as under-

"In reference to docket under reference, it is intimated that Sh. G. L. Juneja had not been absorbed in BSNL. DOT, New Delhi vide letter no. 1-10/2016-Vig.III dated 20.10.2016 (copy enclosed) has already decided representation of the officer regarding penalty imposed and dismissal from service.

2. The case of Sh. G. L. Juneja for compassionate allowance in light Hon'ble CAT order dated 01-09-2015 in OA no. 3422/2013 is under consideration in DOT. In this regard committee report received from Rewari SSA had already been sent to Pers.II section of BSNL CO New Delhi vide T.O letter No. Staff/E-1/Disc case/II/Pt/54 dated 03-03-2016 (copy enclosed).

3. Further, documents were sought by AGM (Pers.II) vide letter dated 26-4-2017, After receipt of information from Rewari SSA same had been forwarded to Pers-II Section BSNL CO New Delhi, vide letter of even no dated 19-05-2017 (copy enclosed).

This is issued with the approval of competent authority."

5.0 The applicant has now preferred the instant OA, seeking relief that he needs to be granted retiral dues for his services in Department of Telecommunication (DoT) for the period from 01.05.1964 to 30.09.2000.

6.0 The respondents were directed in the hearing of 04.04.2019 to ascertain the status of representation dated 28.09.2015. The respondents have now pleaded that the matter was considered by the respondents and they have since passed an order dated 11.07.2019, which reads as under-

“Under Rule 41 of CCS (Pension) Rules, 1972, the competent Authority is pleased to sanction compassionate Allowance equal to the minimum pension. i.e. Rs. 9000/- per month with immediate effect to Shri G. L. Juneja, Ex-SDE Haryana Telecom Circle who was dismissed from service w.e.f. 14.01.2002.”

7.0 In view of this, applicants pleads that he opts to withdraw this OA. Accordingly, the instant OA is disposed of as withdrawn with liberty to the applicant to seek his remedies for any subsisting grievance as per law.

8.0 No order as to costs.

**(Pradeep Kumar
Member (A))**

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