

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD.**

**OA No.342/2018**

**This the 30<sup>th</sup> day of July, 2019**

Shree Ziyauddin Saiddin Saiyed  
Aged 72 years, Gender : Male  
Residing at : 904, Moto Harijanvas,  
Opp. Telephone Exchange  
Mirzapur, Ahmedabad 380 001. .... **Applicant**

**(By Advocate : Shri Jwalit B. Soneji, Ms. Yogini N. Parikh)**

**VERSUS**

1. Bharat Sanchar Nigam Limited.  
( A Govt. of India Enterprise)  
O/o. Chief General Manager Telecom  
Gujarat Telecom Circle,  
Telephone Bhavan,  
7<sup>th</sup> Floor, Navrangpura, Ahmedabad- 380 009.  
(At a relevant time office was at Ramnivas Building  
Khanpur, Ahmedabad.)
2. The Director General of Foreign Trade  
Bharat Sanchar Nigam Limited.  
( A Govt. of India Enterprise)  
Office of the Principal General Manager  
Ahmedabad Telecom District,  
Gulbai Tekra, Ahmedabad 380 006.

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3. The Chief General Manager  
Bharat Sanchar Nigam Limited  
(Notice to be served through the Managing Director)  
Shri Harishchandra Mathur Lane,  
Janpath, New Delhi 110 001. .... **... Respondents**

**(By Advocate : Shri M J Patel)**

**ORDER (ORAL)**

The applicant is a senior citizen, was employee of DOT and upon coming into existence of BSNL, on 01.10.2000, his services were deployed to BSNL. That he was compulsorily retired on 25.4.2001 but was not paid retiral dues, viz. pension, gratuity etc.. That he approached the authority and also gave representations but his grievances could not be redressed and therefore, he preferred the present OA with following prayer :

*“ (A) Be pleased to allow this present application,  
(B) Be pleased to direct the respondents herein to pay the retiral benefits like pension, gratuity etc to the present petitioner.*

*(c) Be pleased to direct the respondents herein to pay the amount of retirement benefits including the arrears of pension payable from April, 2001 onwards, gratuity etc. to the present petitioner along with the 18% interest per annum with all benefits.*

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*(D) Be pleased to award exemplary cost for mental harassment and agony undergone by petitioner due to inaction on the part of the respondents with heavy cost of the petition.*

*(E) Be pleased to pass any further order or direction as the Hon'ble Tribunal may deem fit in the interest of justice."*

2. Reply to OA has been filed by the respondents. Factual aspects that applicant compulsory retired in the year 2001 has not been disputed by the respondent and only contention qua non payment of retiral dues taken by the respondents is that the applicant did not complete the formalities, that original documents related to his pension paper were required and it was communicated to the applicant, vide order dated 22.5.2018 (Annexure R-5) and for want of documents, his pension could not be calculated.

3. When this matter came up on Board for hearing, learned counsel for applicant, Shri Jwalit Soneji urged that issue is not that applicant is not entitled for pension but only is of calculation of pension so in such circumstance, minimum admissible

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pension under Rules may be directed to be paid to the applicants till decision on his regular pension and that respondents may also be directed to calculate and decide about his pension as per Rule. He also urged that applicant since has provided all requisite documents to the respondents, learned counsel for the respondents, Shri M.J.Patel, admitted at Bar that applicant has since provided all required documents for pension purpose and that his matter is under process. He also does admit that applicant is entitled for pension and it is only the matter of calculation now.

4. It has been proposed jointly by both counsel that this OA may be disposed of with direction to the respondent No.2 to decide the case for pension and gratuity etc. of the applicant as expeditiously as possible and for that purpose, a time frame may be fixed and that during pendency of the decision of the said

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case, the applicant may be given minimum *ad hoc* pension.

Request has been made to pass order accordingly.

5. Having taken note of submission, this OA stands disposed of with direction to the respondents to be lenient to release minimum *ad hoc* pension as per Rules immediately and to decide about the pension and retiral dues to which applicant is entitled to as per Rules by completing whole exercise within four months from the date of receipt of this order.

6. With aforesaid direction/ directions OA stands disposed of.

**(M.C.Verma)**  
**Member (J)**