

CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

O.A.210/263/2015

Date of decision : September 12th, 2019.

Coram: Dr.Bhagwan Sahai, Member (Administrative)  
R.N. Singh, Member (Judicial).

SHRI AKHILAQUE AHMED,  
Age 69 years,  
Ex-Junior Telecom Officer,  
Staff No.11547 (Group B)  
M.T.N.L., Mumbai  
Residing at: B-1301/1302, Crystal Palace,  
Opposite Powai Police Station,  
Behind Ram Ahram, Ram Baug,  
Powai. Mumbai-400 076.

.. Applicant.

( By Advocate Shri A. I. Bhatkar ).

Versus

1. UNION OF INDIA, though  
The Secretary,  
Government of India,  
Ministry of Communication and  
Information Technology,  
Department of Telecommunication,  
Sanchar Bhavan, 20, Ashoka Road,  
New Delhi-110 001.
2. The Member (Services),  
Telecom Commission,  
Ministry of Communication and  
Information Technology,  
Department of Telecommunication,  
Sanchar Bhavan, 20, Ashoka Road,  
New Delhi-110 001.
3. The Executive Director,  
Mahanagar Telephone Nigam Ltd.,  
Telephone House, V. S. Marg,  
Dadar (West), Mumbai-400 028.



4. The Deputy General Manager (MA),  
MTNL, Parel Telephone Complex,  
Parel (East), Mumbai-400 012.

.. Respondents.

( By Advocate Shri Shri V. S. Masurkar and Ms.  
Vaishali Choudhari ).

O R D E R (O R A L)

Per : R. N. Singh, Member (Judicial)

**Present.**

1. Shri A. I. Bhatkar, learned counsel for the applicant.
2. Shri V. S. Masurkar along with Ms. Vaishali Choudhari, learned counsels for the respondents.
3. In the present OA the applicant has challenged the order dated 06.08.2014 (Annex A-1) of the respondent. The operative portion of the said order reads as under:

"Sub: Application for release of monthly pension in view of the Order dated 31.05.2012.

Ref: Your letter dated 16.04.2014 addressed to (1) The Hon'ble Prime Minister of India and (2) The Member (Service), Telecom Commission.

With reference to your letter under reference above, it is to inform you that the request for release of monthly pension is examined with reference to the relevant CCS (Pension) Rules, 1972.

The Rule No.64 of CCS (Pension) Rules (Provisional Pension) is applicable only in cases where it is not possible to forward the pension papers due to occasion specified in Rule 59 and



61(4) of CCS (Pension) Rules on the date of superannuation/returned the pension papers to the Head of Office for eliciting further information before issue of P.P.O. The procedure prescribed in Rule-64 of CCS (Pension) Rules for payment of provision pension do not apply to cases falling under Rule 9 of CCS (Pension) Rules as per para-5 of GOI Decision No.3 below Rule 64 of CCS (Pension) Rules, 1972. In your case since disciplinary case was pending on the date of superannuation under Rule 9 of CCS (Pension) Rules, the pension admissible from the date following the date of retirement i.e. 01.12.2005 is as per the Disciplinary Authority's order dated 31.05.2012 only.

You are requested to submit all the pension claim papers duly filled up to the Controlling Officer [DE(IT-PC)/DGM(IT-CM)] to whom blank pension claim forms haven been forwarded, at the earliest. This will enable this office to process your pension case and forward the same to CCA, DOT for issue of P.P.O. In your favour at the earliest."

4. The applicant has contended that he is entitled to the provisional pension equal to the maximum pension which would have been admissible on the basis of qualifying service up to the date of his retirement on superannuation, i.e. 01.12.2005 from the date on which final order has been passed by the Competent Authority, i.e. 31.05.2012 as provided under Rules-9 and 69 of CCS (Pension) Rules, 1972 and seeks direction to the respondents to pay him provisional pension and also for consequential



benefits including the payment of arrears of pension as also difference of commutation of pension.

5. The learned counsel for the applicant submits that in spite of the fact that the disciplinary authority's order dated 31.05.2012 referred to in the aforesaid impugned order dated 06.08.2014 has been quashed and set aside by this Tribunal vide order/judgment dated 30.04.2019 in OA No.219/2013, filed by the present applicant only and also the fact that the applicant has complied with the requirements provided in para-2 of the aforesaid impugned order dated 06.08.2014, the respondents have not taken any remedial action in the matter of payment to the applicant.

6. The learned counsel for the applicant submits that the applicant is in receipt of 50% of the admissible pension to him. However, the claim of the applicant is for full provisional pension.

7. Be that as it may, once the disciplinary order dated 31.05.2012 stands quashed by this Tribunal and other formalities as indicated in para-2 of the impugned order dated 06.08.2014 have already been complied with by the applicant, the respondents are required to re-visit the applicant's



representation dated 16.04.2014 and pass appropriate orders in accordance with relevant rules and instructions on the subject.

8. In view of the above, the OA is disposed of with direction to the respondents to consider the applicant's aforesaid representation dated 16.04.2014 and to pass a reasoned and speaking order in accordance with law within eight weeks and communicate the same to the applicant within two weeks thereafter.

9. The OA is disposed of in the aforesaid terms.

10. No order as to costs.

(R. N. Singh)  
Member (J)

(Dr. Bhagwan Sahai) "11"  
Member (A)

V.

JD  
19/11/19



