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**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

O.A.210/337/2019

Dated this Wednesday the 12th day of June, 2019

Coram: R.N.Singh, Member (J).

Sh. Zafarali Sayadali
JTO BSNL Kalyan (Retired)
Residing at
b-9/3-4 BMC Colony
Mithanagar, near
Dutta Mandir M. G.
Road, Goregaon (W),
400 090.

...Applicant.

(By Advocate Sh. G. B. Kamdi).

Versus

1. Bharat Sanchar Nigam Limited
Through Chairman &
Managing Director,
Bharat Sanchar Bhawan H.C.
Mathur Lane Janpath,
New Delhi-110001.
2. The Chief General Manager,
BSNL Maharashtra Telecom. Circle,
BSNL Admn Bldg,
Juhu Road,
Santacruz (west)
Mumbai 400 054.
3. The Sr. General Manager,
BSNL Kalyan, New Telecom,
Building Mahatma Fule Chowk,
Kalyan (W) 421 301.
4. The Principal Controller of
Communication Accountants,
DOT Maharashtra Circle,
Admn Building,
Juhu Road, Ssantacruz (W),

Mumbai-400 054.

... Respondents.

O R D E R (O R A L)

Present.

1. Sh. G. B. Kamdi, learned counsel for the applicant.
2. Heard the learned counsel for the applicant.
3. The brief facts leading to the present OA filed under Section 19 of the Administrative Tribunal's Act, 1985 is that the applicant was initially appointed as Telegraphist in the Department of Telegraph, Mumbai in the year 1973 and in view of his eligibility and suitability he was promoted to the post of Assistant Superintendent Telegraph Traffic and further the post of Assistant Superintendent was merged with Junior Telecom Officer.
4. While working as Junior Telecom Officer, CSE, Naigaon a Departmental proceeding was initiated against the applicant by issuing charge-memo dated 11.06.2012. During the pendency of such departmental proceeding the applicant retired from the services of the respondents on 30.06.2012 on attaining the age of superannuation.

5. The learned counsel for the applicant submits that though in view of the relevant rules respondents were not entitled to withhold the payment of gratuity and commuted value of pension to the applicant on account of pendency of aforesaid disciplinary proceedings. However, the respondents did not release the payment of gratuity and commuted value of pension to the applicant in spite of the applicant's representations dated 28.03.2013 and 11.09.2013. Finally the said proceedings culminated into the order of penalty of 10% reduction in the full pension otherwise admissible for the period of 5 years with immediate effect vide order dated 05.12.2017.

6. The learned counsel for the applicant submits that after the order dated 05.12.2017 the respondents were duty bound to release the payment of gratuity to the applicant with interest thereon. However, they had neglected the same till date in spite the applicant's representation dated 05.02.2018 (Annexure A-6).

7. Issue notice to the respondents.

8. At this stage, Sh. V. S. Masurkar, learned

counsel for the respondents appears and accepts notice on behalf of the respondents no.1 to 3 and Sh. N. K. Rajpurohit, Senior Central Government Counsel who is present in court is called upon to accept notice on behalf of the respondent no.4.

9. The learned counsel for the applicant submits that the applicant shall be satisfied if the OA is disposed of with directions to the respondents to consider the aforesaid pending representation dated 05.02.2018 (Annexure A-6) of the applicant and pass appropriate reasoned and a speaking order in accordance with relevant rules and instructions on the subject in time bound manner.

10. I consider that if such request of the applicant is accepted and OA is disposed of at this stage no prejudice is likely to be caused to the respondents.

11. In view of the above, the OA is disposed of at the admission stage with directions to the Respondents to consider the pending representation dated 05.02.2018 (Annexure A-6) of the applicant and dispose of the same by passing a reasoned and a speaking order in accordance with relevant rules and

instructions on the subject as expeditiously as possible and in any case within six weeks from the date of receipt of certified copy of this order and communicate the same to the applicant within two weeks thereafter.

12. No order as to costs.

(R. N. Singh)
Member (J)

v.

JD
18/6

