

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

O.A.210/338/2019

**Dated this Wednesday the 12th day of June, 2019**

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

Sh. B. U. Sardar  
Deputy General Manager,  
(Retired), aged 61 years,  
O/o the Chief General Manager,  
BSNL Telecom Factory,  
Deonar Mumbai-400 088.  
**residing at** Moraj Residency  
GE-1/702, Sector 16 Sanpada,  
New Mumbai-400 242.

...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, Telecom Factory,  
Deonar Mumbai 400 088.
3. The Secretary,  
Government of India,  
Ministry of Communication,  
Department of Telecommunication,  
Sanchar Bhawan, 20 Ashoka Road,  
New Delhi-110001.
4. The Principal Controller of  
Communication Accountants,  
DOT Maharashtra Circle,  
Admn Building,  
Juhu Road, Santacruz (W),  
Mumbai-400 054.

... Respondents.

**ORDER (ORAL)**

**Present.**

1. Sh. G. B. Kamdi, learned counsel for the

applicant.

2. Heard the learned counsel for the applicant.

3. By way of this OA the applicant has challenged the action of the respondents in not settling the claim of the applicant as per the last pay drawn i.e. Rs.58,000/- as per the provisions of the Rules and in spite of his representation thereon.

4. The applicant has prayed for the following reliefs:

"(a) to allow the Original application.

(b) This Hon'ble Tribunal may be pleased to call for the record of the case and after going through its propriety and legality be pleased to declare the action of the respondents not settling the claim of the applicant as per the last pay drawn i.e. 58000/- and not replying is illegal and bad in law and be directed the respondent no.4 to settle the claim of the applicant for pensionary benefits as Commutation of Pension and Monthly Pension as per last pay drawn on the date of retirement i.e. Rs.58000/- without any correction or revision in pay fixation.

(c) To declare the action of the respondents not reviewing the case of the applicant in view of the order dated 17.05.2018 and judgment of the Principal Bench quashing the order dated 05.07.2017 is illegal and invalid.

(d) To pass any other just and appropriate orders this Hon'ble Tribunal may deem fit, proper and necessary if the facts and circumstances of the case.

(e) The cost of this original application please be provided."

5. The learned counsel for the applicant submits that the only impediment in settling of the claim of the applicant was the letter no. 40-12/2004-Pen (T) (Pr) dated 05.07.2017 issued by the Government of India, Department of Telecommunication, Ministry of Communications, Sanchar Bhawan dated 05.07.2017 (Annexure A-1) and the same has already been quashed by the Principal Bench of this Tribunal vide order dated 21.12.2017 in OA No.2649/2017 titled All India Bharat Sanchar Nigam & Ors. Vs. Union of India & Ors. (Annexure A-6).

6. Issue notice to the respondents.

7. At this stage, Sh. V. S. Masurkar, learned counsel for the respondents appears and accepts notice on behalf of the respondents no.1 to 2 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. 3 and 4.

8. The learned counsel for the applicant submits that the applicant has referred representation dated 05.06.2018 to the respondent no.4 (Annexure A-14) for fixation of his pension and issuance of revised Pension Pay Order. However, even after lapse of 01 year the same has not been considered and disposed of by the respondents.

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 05.06.2018 (Annexure A-14) 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. We are of the considered view that the OA should be disposed of at this very stage keeping in view the aforesaid.

**10.** In the aforesaid facts and circumstances, without going into the merit of the claim of the applicant the OA is disposed of with directions to the respondents to consider the aforesaid pending representation dated 05.06.2018 (Annexure A-14) of the applicant by passing a reasoned and a speaking order in accordance with relevant rules and instructions on the subject 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.

**11.** The OA is, therefore, disposed of at the admission stage with aforesaid directions to the respondents. No order as to costs.

(R.N. Singh)  
Member (J)