

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/21/635/2019

Dated: 18/07/2019

Between

Y. Ramakrishna Rao,
S/o. late Sithapathi Rao,
Aged about 60 years, HRMS No.98402348,
Occ: Retd. Junior Telecom Officer,
O/o. Sub Divisional Engineer,
Switching Installation,
Telephone Bhavan, Saifabad,
Hyderabad,
R/o. Ho.No.25-35/1, East Anand Bagh,
Malkajgiri, Medchal District ó 500 0047.

... Applicant

AND

1. The Union of India rep. by
Secretary,
Dept. of Telecommunications,
20 Ashoka Road,
New Delhi -1 .
2. The Principal Controller of
Communication Accounts,
Dept. of Telecommunication,
Kavadiguda, Hyderabad.
3. The Principal General Manager,
Hyderabad Telecom District,
BSNL Bhavan, Adarshnagar,
Hyderabad ó 63.
4. The Accounts Officer (Pay & Cash), Main,
O/o. Principal General Manager,
Telecom District, BSNL, BSNL Bhavan,
Adarshnagar, Hyderabad ó 63.
5. The Accounts Officer (CA), Main,
O/o. Principal General Manager,
Telecom District, BSNL, BSNL Bhavan,,
Adarshnagar, Hyderabad ó 63.

... Respondents

Counsel for the Applicant	: Dr. A. Raghu Kumar
Counsel for the Respondents	: Mrs. K. Rajitha, Sr. CGSC Mr. M.C. Jacob, SC for BSNL

CORAM :

Hon'ble Mr. A.K. Patnaik, Judl. Member

Hon'ble Mr. B.V. Sudhakar, Admn. Member

ORAL ORDER

[A.K. Patnaik, Judl. Member]

Heard Sri B. Pavan Kumar, learned counsel for the applicant and Sri M.C. Jacob, learned counsel for the respondents (BSNL), in extenso.

2. This O.A. has been filed u/Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

õ.....to call for the records pertaining to the impugned Lr. No.AO(PAY)/ Main/pay-fix/Y.RR/2019-2020/18 dated 8.7.2019 revising the pay and allowances of the applicants w.e.f. 01.10.2000 and consequently reducing the last pay drawn resulting in less pension and pensionary benefits to the applicant and further proposing to recover an amount of Rs.2,19,448/- from the retirement benefits of the applicant and declare the same as illegal, arbitrary, violative of the principles of natural justice and contrary to the dictum laid down by the Apex Court in catena of judgements and consequently further declare that the applicant is entitled for pay and allowances and fixation of pension and pensionary benefits as per the existing emoluments before his retirement in the interest of justice.õ

3. Sri M.C. Jacob, learned counsel for the respondents vehemently opposed the maintainability of the O.A. by stating that it is liable to be dismissed as it is hit by the provisions of Section 20 of the A.T. Act, to which learned counsel for the applicant fairly submitted that the applicant retired on attaining the age of superannuation on 30.06.2019 and immediately thereafter he received the impugned order under Annex.A-I on 8.7.2019 and, therefore,

anticipating any coercive action or recovery, the applicant has rushed to the Tribunal.

4. As the applicant has not availed departmental remedies, therefore, without awaiting reply and rejoinder, we dispose of the O.A. by granting liberty to the applicant to ventilate his grievance before Respondents No.4 & 5, by way of an exhaustive representation, enclosing all the required documents, within two weeks from the date of receipt of this order and in case any such representation is preferred within two weeks, then Respondents No.4 & 5 shall consider the same as per the rules and regulations governing the field and communicate the result thereof to the applicant by way a reasoned and speaking order, within six weeks from the date of such consideration.

5. We made it clear that after such consideration, if the applicant's claim is found to be genuine, then expeditious steps may be taken to recall the order dated 08.07.2019 under Annex.A-I. We also made it clear that till the representation is considered, disposed of and result is communicated to the applicant, the respondents will not act upon Annex.A-I.

6. As prayed by Sri Pavan Kumar, a copy of this order along with the paper book and its annexures be transmitted to Respondents No.4 & 5 by speed post, for which he undertakes to bear the costs.

7. There shall be no order as to costs.

(B.V. SUDHAKAR)
ADMN. MEMBER

(A.K. PATNAIK)
JUDL. MEMBER

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