

UB

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

OA No. 711/2019

Dated this Friday the 18th day of October, 2019

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

Shri Parmendra Kumar,
aged 60 years, Assistant
General Manager, (Retired),
O/o Chief General BSNL Maharashtra
Circle, Admin Bldg. Santacruz (West),
Mumbai-400 054.

Residing at D-201 Gurukripa CHS Ltd.,
Plot No.18 & 23 Sector 5 New Panvel
Raigad-410 206.

...Applicant.

(By Advocate Shri G. B. Kamdi).

Versus

1. Bharat Sanchar Nigam Ltd.,
Through Chairman & Managing Director,
Bharat Sanchar Bhawan H C Mathur,
Lane Janpath New Delhi-110001.
2. The Chief General Manager,
BSNL, Telecom Maharashtra Circle,
Admn Bldg., Juhu Road Santacruz (W),
Mumbai-400 054.
3. The Secretary,
Government of India,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan, 20 Ashoka Road,
New Delhi-110 001.
4. The Principal Controller of Communication
Accounts, DOT, Maharashtra Circle,
Admn Bldg., Juhu Road Santacruz (W),
Mumbai-400 054.

... Respondents.

O R D E R (O R A L)

Present.

1. Shri G. B. Kamdi, learned counsel for the applicant.

2. Heard the learned counsel for the applicant.

3. In the present OA the applicant who is stated to have retired as Assistant General Manager (AGM) on attaining age of superannuation w.e.f. 31.12.2018 while working as Assistant General Manager is aggrieved of the inaction of the respondents in settlement of the pensionary benefits as per the last pay drawn by him on the date of his such retirement.

4. The learned counsel for the applicant submits that the respondent no.4 has not settled the pensionary benefits i.e. gratuity, commutation of pension, monthly pension etc. as per the last pay drawn by the applicant on the date of his retirement and the respondent no.4 has reduced the emoluments admissible to the applicant without any reason communicated to him or without offering any opportunity of hearing to him.

5. The learned counsel for the applicant further contends that the pension of the applicant has not been finalized as per the provisions of CCS

Pension Rules and the pensionary benefits have been paid to the applicant in violation of the provisions of Rule 59 (1)(b)(III) of CCS Pension Rules 1972.

6. The learned counsel for the applicant submits that for redressal of his grievances the applicant has preferred a representation dated 16.05.2019 (Annexure A-6) to the respondent no.4, however, inspite of lapse of more than five months the respondent no.4 has not considered and disposed of the aforesaid representation.

7. The learned counsel for the applicant further submits that the applicant shall be satisfied if the present OA is disposed of with directions to the respondent no.4 to consider the aforesaid representation of the applicant and to dispose of the same in a time-bound manner. I am of the considered view that if such request of the applicant is accepted at this stage, no prejudice is likely to be caused to the respondents.

8. In view of the aforesaid, the present OA is disposed of with directions to the respondent no.4 to consider the applicant's aforesaid representation dated 16.05.2019 (Annexure A-6) and to dispose of the same by passing an appropriate reasoned and speaking order within six weeks and to communicate the same to the applicant within two weeks

thereafter. Vide present order no opinion has been expressed on the merit of the claim of the applicant in the present OA.

9. No order as to costs.

(R.N. Singh)
Member (J)

v.

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22/10/18