

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No. 3250/2014
MA No. 2789/2014**

New Delhi, this the 07th day of November, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Nita Chowdhury, Member (A)**

1. Pro-Rata Pensioners Association (Regd.) through
Its General Secretary Sunil Kumar Sharma
B-37, Satyawati Colony, Delhi-110052.
2. Prem Kumar
S/o Sh. Chaman Lal
R/o C-112, Gali No. 8, Madhu Vihar, Delhi-110059.
3. Sunil Kumar Sharma
s/o late Sh. K.L. Sharma
R/o B-37, Satyawati Colony,
Delhi-11005. **Applicants**
(through Sh. M.K. Bhardwaj)

Versus

1. Dept. Of Telecommunications through
Its Secretary
Ministry of Communication and IT
Sanchar Bhawan, 20 Ashok Road, New Delhi.
2. Mahanagar Telephone Nigam Limited
Through its Chairman-cum-Managing Director
5th Floor, Mahanagar Door Sanchar Sadan
9, CGO Complex, Lodhi Road
Near Jawahar Lal Nehru Stadium, New Delhi.
.... **Respondents**
(through Sh. Ansh Kathuria for Sh. Rajpal Singh)

ORDER(ORAL)

Mr. Justice L. Narasimha Reddy

The first applicant is “Pro Rata Pensioners Association (Regd.)” and the applicant number 2 and 3 are its members. Its members are said to be the employees of erstwhile Department of Telecommunications (DoT) and who later on came to be absorbed in the MTNL, the second respondent herein. This OA is filed with a prayer to direct the respondents to extend the benefit of MTNL GPF Fund Trust, to applicants and for transfer of the amounts of Provident Fund of the applicants, to the MTNL GPF Fund Trust.

2. The brief background of the case is as under:

The activity of Telecommunications was completely under the control of DoT. In the beginning of 20th century, the Government has corporatized the activity. For the metro telecommunication services, MTNL was formed and for telecommunications in the remaining places, BSNL was incorporated.

The employees of the DoT, who were in the respective fields, were given the option to become employees of MTNL. As regards the post retirement benefits, option was given to them. The first option was to draw the DoT pension for the entire service till the

date of retirement, which included the service rendered in the DoT, and the one in the MTNL. The second option was to draw the pro rata pension for the service in DoT and to be governed by the pension scheme as available in the MTNL for the service rendered in that organization. The members of the applicant Association are said to have chosen the second option.

3. It appears that the GPF Fund Trust was created by the MTNL in the year 2005. The applicants contend that they are entitled to be extended the benefit of the Trust. It is in this background, that the present OA is filed. The applicants contend that once they have opted for the pension scheme prevalent in the MTNL, they are entitled to be extended all the benefits including the one flowing from the GPF Fund Trust.

4. Respondents no. 1 and 2 filed separate counter affidavits. The gist of the counter affidavits is that such of the employees who have chosen option (b), are entitled to be paid pro rata pension for the service rendered in the DoT and the benefit under Employees Pension Scheme, for the service rendered in the MTNL. It is also stated that the members of the applicant Association are being extended the same and the OA is totally misconceived.

5. We heard Sh. M.K. Bharadwaj, learned counsel for the applicant and Sh. Ansh Kathuria for Sh. Rajpal Singh, learned counsel for the respondents.

6. The brief background of the case has already been furnished in the preceding paragraphs. The prayer in the OA reads as under:

“8(a) the members of the Applicant association/Applicants may kindly be given the benefit of MTNL GPF Fund Trust and respondents be directed to transfer the amounts of Provident Funds of the Applicants in the MTNL GPF Fund Trust, as per law.”

In the body of the OA, the applicant did not even mention that they are not being paid pro rata pension by the DoT or the pension under the Scheme framed by the MTNL for the service rendered by them in that organisation.

7. Learned counsel for the applicant has made available to us, a form of option, that was to be filled at the relevant point of time. It reads as under:

Sir

Consequent to my absorption in MTNL w.e.f. 1.11.98, I hereby opt for:

- (a) To retain pensionary benefits available to me under the Govt. of India at the time of my retirement in accordance with the Central Govt. rules in force at that time.
- (b) To be governed by the rules of Mahanagar Telephone Nigam Ltd. in respect of my service under the Central

Govt., I opt to draw pro-rata monthly pension till my absorption in MTNL.

From this it becomes relevant that the optees under option (b) are entitled to

- (i) Pro rata pension at the Central Government rates for the service rendered in the DoT, and
- (ii) The pensionary benefit available under the MTNL.

8. It is not the compliant of the applicants that they are not being paid the two components. In the form, there is no mention of the MTNL GPF Fund Trust. That came into existence only in the year 2005. The scope and ambit of that Fund is governed by the contents of the Trust deed. Unless the applicants are beneficiaries of the Trust in terms thereof, the question of our directing the respondents to give the applicants, the benefits under the Trust, does not arise. The OA is accordingly dismissed.

Pending MAs, if any, stand disposed of.

There shall be no order as to costs.

(Nita Chowdhury)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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