

(2020) 12 CAT CK 0098

In the Central Administrative Tribunal

Case No : Original Application No. 2138 Of 2020, Miscellaneous Application No. 2732, 2733 Of 2020

Promela & Others

APPELLANT

Vs

Mahanagar Telephone Nigam Limited & Others

RESPONDENT

Date of Decision : 23-12-2020

Acts Referred:

Citation : (2020) 12 CAT CK 0098

Hon'ble Judges : Pradeep Kumar, Member (A)

Bench : Single Bench

Advocate : M.K. Bhardwaj, Geetanjali Sharma

Final Decision : Disposed Of

Judgement

Pradeep Kumar, Member (A)

1. The applicants herein (total 13 in number) were recruited to the erstwhile Department of Telecommunication. Subsequently, they came to be

deputed to MTNL and as per the terms and conditions prevalent at that time, they were absorbed in MTNL w.e.f 01.11.1998.

Applicants plead that in terms of Department of Pension and Pensioners Welfare (DOP&PW) OM dated 02.07.1999, they were entitled for pro-rata

pension along with dearness relief. While this pro rata pension is being paid, dearness relief has not been paid for want of a certificate by respondent

â?" MTNL. Applicants further plead that in respect of this dearness relief, MTNL has issued a reply Dt 17.09.2014 on a RTI query which indicates

that the DOP&PW OM dated 02.07.1999 is applicable upon the applicants.

Applicants made several representations also pleading for Dearness Relief, but they were not decided.

2. Feeling aggrieved, applicants including others, had earlier preferred OA No.1127/2017 before Principal Bench of this Tribunal. The applicants fairly submit that this OA is still pending adjudication.

Meanwhile, a Voluntary Retirement Scheme (VRS) was notified for MTNL employees and since the applicants wanted to avail the opportunity of this VRS, they were forced to withdraw their names from OA No.1127/2017. The said VRS has since been accepted and implemented.

However, the grievance in relation to dearness relief along with pro-rata pension, is still remaining unresolved.

3. Applicants further plead that they had made several representations, which have not been replied to so far. Various dates on which such

representations have been made by various applicants herein are 19.09.2020, 21.09.2020, 22.09.2020, 23.09.2020, 30.9.2020, 07.10.2020, 12.10.2020,

16.10.2020, 20.10.2020, 26.10.2020 and 02.12.2020. These representations are still un-replied. Feeling aggrieved, this OA has been preferred.

Applicants have also preferred MA No.2732/2020 seeking to join together. Another MA No.2733/2020 has also been preferred seeking exemption

from filing legible and typed copies.

4. Heard. Issue notice. Ms. Geetanjali Sharma, learned counsel, who appears on behalf of respondents No.2 (Ministry of Telecommunication) on

advance information, accepts notice. She submits that the entire OA is not legible.

5. The learned counsel for applicants are directed to supply a legible copy of the paper book to the respondents. Applicants undertake to supply a

legible copy today itself.

6. At this stage, counsel for applicants submit that they will be satisfied, if certain time bound directions can be issued to the respondents to decide

their pending representations (Para 3 supra) under advice to them.

7. Matter has been considered. The Tribunal is of the view that no prejudice is likely to be caused to the respondents, if such a request of the

applicants is agreed to.

8. For the reasons stated therein, MA No.2732/2020 for joining together is allowed. MA No.2733/2020 seeking exemption from filing legible and typed

copies is dismissed.

9. In view of the foregoing, the OA is disposed of at the admission stage itself, without going into the merit of the case, with a direction to the respondents to decide the pending representations as per para 3 above, in respect of issuing certificate for dearness relief keeping in view provisions of DOP&PW OM dated 02.07.1999 and MTNL letter Dt. 17.9.2014, if applicable, by passing a reasoned and speaking order within a period of eight weeks from the date this order is received, under advice to the applicant. The OA is disposed of in these terms.
10. In case, as a result of this examination, certain certificate is required to be issued, the same shall also be issued in a period of four weeks thereafter.
11. The applicant shall have liberty to approach the Tribunal, if certain grievances still subsist. No order as to costs.