

**CENTRAL ADMINISTRATIVE TRIBUNAL  
61/35, COPERNICUS MARG, NEW DELHI-110001**

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**Order Sheet**

Item no.: 61  
O.A./1272/2020 (DELHI)  
[ RETIRAL BENEFITS ]  
[ SENIOR CITIZEN ]  
With  
M.A./1581/2020  
Along With

O.A./1271/2020  
RETIRAL BENEFITS  
O.A./1329/2020  
PENSION  
Court No.: 5

No of Adjournment: 17

Order Dated: 29/03/2023

**ALL INDIA RETIRED BHARAT SANCHAR NIGAM LIMITED EXECUTIVE WELFARE  
ASSOCIATION THROUGH ITS GENERAL SECRETARY PRAHLAD RAI  
Vs  
BHARAT SANCHAR NIGAM LIMITED**

**For Applicant(s) Advocate :** Mr. Sanjoy Ghosh, Senior Advocate assisted by Mr. Gautam Narayan, Ms. Asmita Singh, Mr. Rohan Mandal, Mr. Rajshekhar Rao, Senior Advocate assisted by Ms. Gauri Puri, Ms. Aditi Gupta and Ms. Vishakha Gupta

**For Respondent(s) Advocate :** Mr. Mohd. Faisal (MTNL) , Mr. Rajeev Kumar for Mr. ND Kaushik, Mr. M.S. Reen and Mr. R.K. Sharma

**Order of The Tribunal**

The applicants were erstwhile employees of Department of Telecom (DoT), Government of India. The terms and conditions of their service were in accordance with the service rules applicable upon regular government employees. Subsequent to the corporatization leading to creation of Bharat Sanchar Nigam Limited (BSNL) and Mahanagar

Telephone Nigam Limited (MTNL) their services were placed at the disposal of these two organizations.

The background and history of the case as briefly explained by the learned senior advocate for the applicants is that at the time of their initial placement and absorption in BSNL and MTNL, it was stipulated that they shall continue to be governed by the terms and conditions of service as were applicable upon them in their capacity as government servants prior to the corporatisation.

Learned counsel clarifies that the terms and conditions which were to remain in operation in the case of the applicants including pensionary benefits, he draws attention to a document annexed to the O.A. to substantiate this claim. He further informs that pursuant to the recommendations of the various Central Pay Commissions (CPCs) necessary benefits as recommended by the CPCs and accepted by the Government have been extended in favour of the applicants except for pensionary benefits. Aggrieved by the same, they seek the following relief(s) by way of the present O.A.:-

*" (a) Pass an Order directing the Department of Telecommunications to revise the pension/family pension/minimum pension w.e.f. 01.01.2017 for the BSNL combined service Pensioners, who were*

*absorbed from DOT/DTS/DTO w.e.f. 01.10.2000 and retired prior to 01.01.2017 by applying the fitment formula on IDA pension as on 01.01.2017;*

*(b) Pass an Order directing the Department of Telecommunications to revise the pension/family pension/minimum pension w.e.f. 01.01.2017 for the BSNL combined service Pensioners, who were absorbed from DOT/DTS/DTO w.e.f. 01.10.2000 analogous to the revision of pension/family pension/minimum pension for the Central Government Pensioners based on the recommendations of the 7th Central Pay Commission;*

*(c) Pass an Order directing the Department of Telecommunications to revise the pension for BSNL combined service pensioners parallel to the revision of pension of the Central government servants without linking with Pay revision in BSNL:*

*(d) Pass such other further order (s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case and in the interest of justice."*

Learned senior counsel also draws attention towards a communication dated 08.03.2019 placed at page 245 of the convenience compilation which is a communication from the Department of Pensions and Public Grievances seeking clarification from the DoT as to why benefit of revision is not being extended.

Learned counsel appearing on behalf of respondent No. 2 (MTNL in O.A. No. 1272/2020) submits that the liability of pension is to be borne by the

Government of India and in this case the relief being sought is directed towards respondent No. 1. However, learned counsel for respondent No. 1 is not present. Mr. Rajeev Kumar, learned counsel, who is a senior panel counsel of Union of India, appears on behalf of the counsel for respondent No.1 and submits that the arguing counsel are in some personal difficulty and seek adjournment.

List as 'Part-Heard' on 19.05.2023.

**Pratima K Gupta**  
**Member (J)**

**Tarun Shridhar**  
**Member (A)**

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