

21st July 2023

- 1. Retired Telecom Officers' Welfare Association New Delhi**
C- 20, Mukhram Garden, Tilak Nagar, New Delhi - 110018
- 2. Retired Telecom Officers' Welfare Association, Mumbai**
402, Gayatri Avenue, 90' Road, Thakur Complex,
Kandivali (E), Mumbai -400101
- 3. MTNL Pensioners' Welfare Association, Mumbai**
1 st Floor, Sai Ganesh Niwas, Shivaji Nagar, S.R. Marg,
Ville Parle (E), Mumbai - 40005

Re: GP/MOF/2023-24/23

Dear Sirs,

Re: O.A. /1271/2020
Retired Telecom Officers Welfare Association New Delhi & Ors. Vs UOI & Ors.
Before the Central Administrative Tribunal, Principal Bench, New Delhi

The captioned matters were listed on 10.07.2023 and 13.07.2023 before Hon'ble Member Tarun Shridhar and Hon'ble Member Pratima K. Gupta in Bench No. 5 at the Central Administrative Tribunal, Principal Bench, New Delhi.

On, 10.07.2023, Senior Advocate Mr. Sanjoy Ghosh appeared on behalf of the Applicants in the connected matter and apprised the Court of the previous Order dated 29.03.2023 when the matter was argued at length by the Applicants (on which date Mr. Rao was also present and advanced arguments). Thereafter, it was submitted that the Respondent (UOI) was required to advance arguments as dates had been taken on the last two occasions. After some arguments advanced by Mr. Ghosh, I advanced arguments on behalf of the Applicants in the captioned matter and specifically pointed out the assurances given in the memorandum dated 30.09.2000 as also the terms and conditions of the absorption letter as per which Pension under Rule 37-A CCS (CCA) was required to be in accordance with the government scheme of pension. I informed the Court that except pension revision, all benefits of the 7th CPC were extended vis-a-vis the applicants. Despite lengthy arguments by the Respondent UOI as also the representative present from DOT (Director Establishment), and their persistent effort to link pay revision and pension revision, the Bench was not inclined to accept that argument. The Bench orally observed that in view of the terms and conditions of absorption read in conjunction with Rule 37-A, it is not known as to how pension revision was being denied basis pay revision. Reference to judgments of the Hyderabad and Ernakulam Bench was made in respect of denial of pension revision. However, the bench observed that they were in respect of single applicants and their entitlement. The present case was primarily a case wherein a right to pension revision was being sought. The arguments went on for 1.5 hours after which the Bench adjourned the same for **13.07.2023** under the 'part heard' category and granted 5 minutes time to each party to argue.

GAURI PURI
Advocate

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Thereafter, on 13.07.2023, Senior Advocate Mr. Sanjoy Ghosh appeared on behalf of the Applicants in the connected matter. I appeared on behalf of the Applicants in the captioned matter. Senior Advocate, Mr. Rajshekhar Rao was on his legs in the High Court. I did not take a passover or accommodation in as much as the Bench was only sitting till 1:30 PM and had to only hear arguments from the Respondents and had allocated time of 5 minutes to each side to argue the matter, since it was substantially heard on the last date i.e. 10.07.2023.

The cabinet note of 2000 followed by the OM dated 09.11.2000 were read about to the Bench in furtherance of the OM dated 30.09.2000 and the terms and conditions of absorption in 2023. I submitted that not only are the applicants entitled to their vested right of pension revision guaranteed under Article 309 of the Constitution of India, but also have a legitimate expectation as per the terms and conditions of the absorption letter all of which guarantee that the pension of the BSNL/MTNL combined service absorbed officers will be as per the government scheme of pension/family pension. I further submitted that the pension contribution has been paid at the highest scale and that at this stage, the argument that payment of pension would be a liability does not have any basis in view of the specific assurance granted at the time of absorption due to which the applicants left their government service and status as a Group A officer to join BSNL/MTNL. I informed the court that except pension revision, all other benefits of the 7th CPC have been extended to the Applicants and as such, only pension revision was required to be done. The Hon'ble Bench recorded the submissions advanced by me.

Thereafter the Bench heard arguments advanced by the Respondent who continued to submit that the applicants had no right to revision of pension and that the revision of pension can only be done upon pay revision after the 3rd PRC and that Rule 37A does not give any right to the Applicants to seek pension revision.

After hearing arguments advance the Hon'ble Bench has listed the matter for passing orders and/or hearing further arguments if required. The matter is now listed on **16.08.2023.**

Please find enclosed herewith my memo of fees towards professional service rendered in the captioned matter towards my appearances on 10.07.2023 & 16.08.2023.

Should you require any further clarification, please do not hesitate to contact me.

Warm regards,

(Gauri Puri)
Encl: a.a.

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MEMO OF FEES

Re: **O. .A. /1271/2020**
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Before the Central Administrative Tribunal, Principal Bench, New Delhi

S. No.	Particulars	Amount (Rs.)
1.	Towards my appearance on 10.07.2023 & 13.07.2023 (@ Rs. 5, 500/- per appearance x 2)	11, 000/-
2.	Clerkage @ 10%	1, 100/-
		12, 100/-
	Previous Memo of Fees dated 06.06.2023	24, 400
	TOTAL:	36, 500/-

(Rupees Thirty Six Thousand Five Hundred Only)

Gauri Puri

ASUPP4374J

Note:

- In case of payment by cheque, please make out the cheque in the name of "**Gauri Puri**"
- In case of transfer by RTGS / NEFT / IMPS, my bank details are provided below:
Yes Bank | Savings A/c No.: 006990100007151| IFSC: YESB0000069 | A/c Holder: Gauri Puri
- In the event that you are a Business Entity with a turnover of more than Rs. Twenty Lakhs (Rs. Ten Lakhs in a special category state) in the preceding financial year, please note that you will be liable to pay GST on Reverse Charge Basis on this memo as per applicable rates.
- As per Notification No. 5/2017-Central Tax dated 19 June 2017, I am exempt from obtaining registration or GSTIN under the Indian Goods and Services Tax Act, 2017.