

**Central Administrative Tribunal
Principal Bench**

OA No.2515/2017

New Delhi this the 12th day of September, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

1. Shri Sunil Kumar Sharma, Age 58 years
Designation- JTO (Tech.), Junior Telecom Officer (Tech.)
Group-Executive
S/o Late Shri K.L. Sharma,
B-37, Satyawati Nagar,
Ashok Vihar-III,
Delhi-110052
2. Smt. Promela, Age 54 years
Designation- Sr. TOA, Sr. Telephone Operator Asstt.
Group-C
D/o Sh. Harswaroop Sharma,
B-37, Satyawati Nagar,
Ashok Vihar-III,
Delhi-110052
3. Shri Vinod Kumar, Age 54 years
Designation- Sub Divisional Engineer
Group-Executive
S/o Late Shri OM Prakash,
Lohiya Road, Adarsh Nagar,
Delhi-110033
4. Shri Vinod Kumar, Age 57 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Sh. Naubat Rai Gupta,
B-48, Ashok Vihar-III,
Phase-II,
Delhi-110052
5. Shri Satender Pal, Age 55 years
Designation- CAO, Chief Account Officer
Group-Executive
S/o Shri Basti Ram,
H. No. E-460, Gali No.4,

Hardev Puri, Shahdara,
Delhi-110093

6. Shri Mahendra Singh, Age 57 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Sh. Lt. Sh. Ram Sawroop,
C-225, Gali No. 6,
Hardev Puri, Shahdara,
Delhi-110093
7. Shri Prem Kumar Gupta, Age 57 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Sh. Lt. Sh. Ram Pratap Gupta,
A-1/108, New Kondli,
Delhi-110096
8. Shri Dinesh Kumar, Age 67 years
Designation-Sr. Telephone Operating Asstt., Retired
Group-C
S/o Lt. Sh. Govind Lal,
WZ-D/10, ST. No. 22,
Prem Nagar, Uttam Nagar,
Delhi-110032
9. Shri Om Pal Singh, Age 57 years
Designation- Sub. Divisional Engineer.
Group-Executive
S/o Sh. Daya Chand,
H. No. A-23, Gali No. 2,
New Modern Shahdara,
Phase-II,
Delhi-110032
10. Smt. Krishna Preenja, Age 70 years
Designation- Supervisor (Retired).
Group-C
D/o Lt. Sh. Ram Chander Bhardwaj,
316, New Modern Apartment,
Plot No. 26/2, Sector-9,
Rohini, Delhi-110085
11. Smt. Usha Rani Matta, Age 58 years
Designation-Sr. Telephone Operating Asstt.
Group-C
D/o Lt. Sh. Kasturi Lal,
WZ-80-A/1, Sant Nagar,

Tilak Nagar, Delhi-110018

12. Shri Anil Kumar Kapoor, Age 60 years
Designation-DGM (Retd.).
Group-Executive
S/o Lt. Shri Yash Pal Kapoor,
29, Shankar Vihar, Vikas Marg,
Delhi-110082
13. Shri Babu Ram, Age 64 years
Designation-Sr. Telephone Operating Asstt. (Retired)
Group-C
S/o Late Sh. Hari Ram,
C-601, Vimal CGHS,
Plot No. 3, Sector-12,
Dwarka, Delhi-110078
14. Shri Ram Shankar, Age 68 years
Designation-Sr. Telephone Operating Asstt. (Retired)
Group-C
S/o Late Shri Naire Lal,
B-204, Gali No. 26,
Mahabir Enclave,
Part-II, Delhi-110059
15. Shri Dharam Pal Singh, Age 55 years
Designation-Sub Divisional Engineer.
Group-Executive
S/o Lt. Sh. Girwar Singh,
R-86, Main 33 Foota Road,
Phase-II, Shiv Vihar,
Delhi-110094
16. Smt. Vijay Laxmi, Age 64 years
Designation- Supervisor.
Group-C
D/o Shri Bachchu Ram,
Flat No. 212, Atul Apartment,
Sector-18B.
Dwarka, Delhi-110078
17. Smt. Shiv Lataa, Age 64 years
Designation-Sr. Telephone Operating Asstt. (Retired)
Group-C
D/o Lt. Sh. Jagat Ram Bali,
H.No. 10338, Gali No. 1,
West Gorakh Park,
Shahdara, Delhi-110032

18. Smt. Sita Bagga, Age 65 years
Designation-Sr. Telephone Operating Asstt.
Group-C
D/o Lt. Sh. Khushi Ram,
G-341, Preet Vihar,
Delhi-110092
19. Shri Surendra Kumar, Age 61 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Late Sh. Sohan Lal,
RZ-11, Street No. 14,
K. Block, Mahipal Pur
Delhi-110037
20. Smt. Amita Sharma, Age 56 years
Designation-Sr. Telephone Operating Asstt.
Group-C
D/o Shri O.K. Rishi,
F-21/668, Ganesh Nagar-2,
Shakarpur,
Delhi-110092
21. Sh. Om Shiv Sharma Bhardwaj, Age 54 years
Designation-Sub. Divisional Engineer.
Group-Executive
S/o Lt. Sh. Prem Prakash Sharma,
D-6/3A, LIG Flat, Sector-6
Rohini, Delhi-110085
22. Shri Nar Singh Lal Arora, Age 63 years
Designation-Draftman (Retired)
Group-C
S/o Late Sh. Kaushi Ram,
56 A, Block U&V
Shalimar Bagh,
Delhi-110088
23. Shri K.K. Alva, Age 61 years
Designation-DGM (Retired).
Group-Executive
S/o Late. Shri K. Babu Alva,
A-501, Presliga Park,
Ganeshwadi, Panch Pakadi,
Thane-West, Sector-4
Rohini, Delhi-110085

24. Shri Satya Narain Dahiya, Age 60 years
Designation-Sr. Telephone Operating Asstt. (Retired)
Group-C
S/o Sh. Mukhtyar Singh,
B-8/5, Sector-4,
Rohini, Delhi-110085
25. Shri Krishan Pal Tyagi, Age 55 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Lt. Sh. Chhidda Singh,
A-1/582, Sector-6,
Rohini, Delhi-110085
26. Shri Surinder Kumar Gupta, Age 61 years
Designation-Sr. Telephone Operating Asstt. (Retired)
Group-C
S/o Lt. Sh. Mangat Ram Gupta,,
F-26/60, Sector – 7,
Rohini, Delhi-110085
27. Shri Vinod Kumar Sharma, Age 62 years
Designation-Jr. Telephone Operating Asstt. (Retired)
Group-Executive
S/o Lt. Sh. Amar Singh Sharma,
H. No I-82, Gali No. 10,
Brahampuri Colony,
Delhi-110053
28. Shri Kaushal Kumar Mishra, Age 44 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Lt. Shri Gyanendra Swaroop Mishra,
SE-424, Shastri Nagar
Ghaziabad (UP)-201002
29. Shri Dhyan Singh, Age 49 years
Designation-Sub Divisional Engineer.
Group-Executive
S/o Shri Brahm Singh,
B-665, MIG Flats,
East of Loni Road,
Shahdara, Delhi-110093
30. Shri Roop Chand, Age 56 years
Designation-Sr. Telephone Operating Asstt.
Group-C

S/o Lt. Sh. Deep Chand Singh,
B-397, DDA MIG Flats,
East of Loni Road
Delhi-110093

31. Shri Sanjeev Kumar Sharma, Age 56 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Lt. Sh. Gurudutt Sharma,
C-7-305B, Keshav Puram,
Delhi-110035
32. Shri Ambrish Kumar, Age 54 years
Designation- Sub Divisional Engineer.
Group-Executive
S/o Sh. Ram Niwas Tyagi,,
B-302, DDA MIG Flat,
East of Loni Road
Delhi-110093
33. Shri Bhikhari Tyagi, Age 57 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Lt. Sh. Attar Singh,
B-257/15, Gali No. 7A.
Ashok Nagar,
Delhi-110093
34. Shri Sant Kumar, Age 62 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Lt. Sh. Radha Krishan,
H. No. 1189, Ranjit Gate,
Shiv Puri, Sector-9
Vijay Nagar,
Ghaziabad, UP-201009
35. Shri Jitender Pal Rana, Age 56 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Sh. Satyapal Singh Rana,
B-9/282, Sector-5,
Rohini, Delhi-110085
36. Shri Surinder Kumar Sachdeva, Age 57 years
Designation-Accounts Officer.
Group- Executive
S/o Lt. Sh. Vasdev Sachdeva,

R-44, Gurpreet Nagar,
Uttam Nagar West,
Delhi-110059.

37. Shri Harendra Pal Singh Rathi, Age 53 years
Designation-SDE
Group-Executive
S/o Sh. Jaje Singh Rathi,
D-72, Gali No. 4, Jyoti Nagar West Extn.,
Shahdara
Delhi-110094
38. Shri Suresh Kumar Dahiya, Age 54 years
Designation-Sub Divisional Engineer.
Group-Executive
S/o Sh. Jeet Ram Dahiya,
H. No. 15, Vill. & Post Office Bindhroli,
Tehsil & District Sonapat,
Haryana-131001
39. Shri Ram Prakash, Age 52 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Sh. Roshan Lal,
C-413, LIG Flats,
East of Loni Road,
Delhi-110093
40. Smt. Paramjit Kaur, Age 54 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Sh. Jaswant Singh,
C-112, Gali No. 8, Block-C
Madhu Vihar, Uttam Nagar,
Delhi-110059
41. Shri Prem Kumar, Age 57 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Sh. Chaman Lal,
C-112, Gali No. 8,
Block -C, Madhu Vihar
Uttam Nagar, Delhi-110059.
42. Shri Anupam, Age 54 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Lt. Sh. Bhagwant Rai,

WZ-2410, Shri Nagar,
Gali No. 4, Shakur Basti,
Delhi-110034

43. Shri Jag pal Ojha, Age 54 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Lt. sh. Ram Prasad Ojha,
H.No. 106, Deepali,
Pitampura,
Delhi-110034
44. Shri Rajinder Prashad, Age 56 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Late Shri Jai Narain,
H.No. 1197A/29, Vikas Nagar, Sonapat
Haryana-131001
45. Shri Rajender Singh, Age 56 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Lt. Sh. Sohan Singh,
R-5/16, IInd Floor, Secotor-16,
Rohini, Delhi-110089
46. Shri Rajender Singh, Age 53 years
Designation- Telecom Technical Asstt.
Group-C
S/o Lt. Sh. Ram Chander,
H.No. 136, Village
Begumpur,
Delhi-110086
47. Shri Vijay Kumar Sharma, Age 63 years
Designation-Sr. Telephone Operating Asstt. (retired)
Group-C
S/o Sh. Narain Dass,
C-602, Plot No. 8, Sector-3,
(Gauri Ganesh Appartment)
Himachali CGHS, Dwarka
New Delhi-110078
48. Shri Tej Pal Singh, Age 64 years
Designation-Supervisor (Retired)
Group-C
S/o Lt. Sh. Dhara Singh,
H. No. 4088, Gali No. 17,

Shanti Mohalla, Gandhi Nagar
Delhi-110031

49. Shri Ganga Ram, Age 61 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Lt. Sh. Chandgi Ram,,
H. No. 424, Vill & Post Office Rithala
Delhi-110085
50. Shri Jagpal Singh Dhaka, Age 62 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Lt. Sh. Chhotan Singh,
B-227/6, Ram Gali,
Gali No. 7, Ashok Nagar
Delhi-110093
51. Shri Harbans Singh Chauhan, Age 57 years
Designation-TTA
Group-C
S/o Sh. Karam Singh Chauhan,
Flat No. 191, Pocket-26,
Sector-24, Rohini
Delhi-110085
52. Shri Prem Parkash, Age 57 years
Designation-Sr. Telephone Operating Asstt.
Group-C
S/o Late Shri Matadin,
H. No. 340, Block E-16,
Sector-8, Rohini
Delhi-110085

- Applicants

(By Advocate: Mr. MK Bhardwaj)

VERSUS

1. Department of Telecommunications,
Through its Secretary,
Ministry of Communications and IT,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi
2. Mahanagar Telephone Nigam Limited,
Through its Chairman-cum-Managing Director,
5th Floor, Mahanagar Door Sanchar Sadan,
9, CGO Complex, New Delhi

3. Union of India,
Ministry of Health,
Through its Secretary,
1st Floor, Nirman Bhawan,
New Delhi - Respondents

(By Advocate: Mr. Subhash Gosai for respondents 1 and 3 and Mr. Saiful Islam for respondent 2)

ORDER (Oral)

The applicants have filed this OA, seeking the following reliefs:-

- “(a) the Respondents may kindly be directed to revise/calculate the rate and ward facility of the Applicants on or after retirement or in service, on the basis of current CDA pay corresponding to the last IDA Pay, on surrendering of MTNL medical facility by the applicants and grant the CGHS rate and ward entitlement accordingly.
- (b) any other further relief which this Hon’ble Tribunal deems fit and proper may also be given in favour of the Applicants and against the respondents.”

2. It is the case of the applicants that they were transferred from DOT (respondent no.1) and absorbed in MTNL on 01.11.1998 and 01.10.2000. They have alleged that those employees, who were similarly transferred from DOT and absorbed in MTNL but had opted for option ‘A’, are allowed to avail CGHS facility at the rate and ward on the basis of grade pay of Central Pay Scales by converting to corresponding last pay on IDA from MTNL on which basis the MTNL medical facility were provided by the MTNL, whereas the applicants, who had

opted for Option B and had surrendered their MTNL medical facility after retirement, are allowed the CGHS facility on the basis of last pay drawn of CDA on 31.10.1998 and 30.09.2000. They have also submitted that similarly situated retired BSNL absorbees have also been allowed the facility of CGHS by the Ministry of Health & Family, Department of Health & Family Welfare, New Delhi as per the letter No.Z15025/36/2006-CGHS III (Part) dated 09.01.2014. Being aggrieved with this inaction of the respondents, they have submitted a number of representations but to no avail. Hence, the present OA.

3. The respondent, while contesting the OA, have filed their reply in which they have stated that in the case of employees who were absorbed in MTNL and had opted for Option 'A' are being paid by the Government, whereas in the employee, who had opted for option B, the pensionary benefits were to be paid from the Pension Fund to be created for the purpose but due to the stiff opposition by MTNL employee Associations/Union, the pension fund required to be created for absorbed Group "C" and "D" employees could not be created. They have submitted that their demand for similar treatment for payment of pensionary benefits as given to BSNL absorbed

employees, have been accepted by the Government by making amendment in Sub-Rule (22) and (23) of Rule 37-A of CCS(Pension) Rules, 1972, thereby making provision for payment of pensionary benefits, including family pension to the absorbed employees of MTNL by Government.

4. They have contended that the applicants of the present OA have opted for Option B and are thus getting pro-rata pension from the Government for their services rendered in Government before their permanent absorption in MTNL as per the provision of DOP&PW's OM No. 4/18/87-P&PW(D) dated 05.07.1989. They have submitted that these employees are thus deemed to have retired from the Government service for which they are getting pro-rata pension as per CDA pay scale from the Government/Central Civil Estimates and while continuing with the employment in MTNL from which they were getting medical facilities as per MTNL policy on the subject. They have thus submitted that after their final retirement from MTNL, they were ceased to get medical facilities from MTNL and since they are getting pension from Government/Central Civil Estimate, they are entitled to avail CGHS facility on the basis of their last CDA pay drawn in Government service as on

31.10.1998 and 30.09.2000 before their permanent absorption in MTNL. They have thus prayed for dismissal of the OA.

5. The respondents in their CA have raised the objection that since these MTNL pro-rata pensioners earlier submitted representations in bulk against the disparity between them and the combined service pensioners in terms of CGHS entitlement/category, which is based on last pay drawn at the time of retirement, their request could not be considered as both the groups, i.e., MTNL pro-rata pensioners and MTNL combine service pensioners are different and therefore, no equivalence could be drawn.

6. After hearing both the parties and perusing the records, we find a number of representations placed at Annexure A/4 (colly) made by the applicants to the Secretary, DOT, Ministry of Communication & IT on the subject "Revision of category of entitlement of CGFHS facility in service/retirement which reads as under:-

"Secy – DOT
Ministry of Communication & IT,
Sanchar Bhawan, 20 – Ashoka Road, New Delhi

Sub- Revision of entitlement of CGHS facility in service/retirement.

Respected Sir,

It has the honor to make kind submission in reference to the annexure of letter of file no.4-12(11)2012-PAT(Part) issued by GOI, ministry of communication, Department of Telecommunication on dated 31.08.2016 and vide letter no.MTNL/CO/MED/Retiree/CGHS/2016 dated 31.08.2016 issued by CO-MTNL, Delhi that the applicant is entitled for CGHS facility on the ground of PPO issued by Pr. CCA(DOT) and getting pension from the consolidated fund of India since absorption in MTNL 1/11/1998 & 1/10/2000. But on the surrendering of MTNL medical facility in service or on superannuation retirement from MTNL by the applicant, the category of CGHS is provided on the last pay drawn on the service of central govt., while those employee who are getting pensin from central civil estimates, are allowed the category of CGHS on CDA scale corresponding to the last pay drawn on IDA pay scale on the surrendering of MTNL medical facility on or after superannuation retirement from MTNL. The same is applied in BSNL for serving as well as retiree.

Sir, both employee's are absorbee of DOT in MTNL. This is the great discriminati8on with the applicant and violation of article 14 of constitution of India and against the natural justice. The applicant is to be allowed the category of CGHS facility on the corresponding of last pay drawn on IDA pay scale on retirement and current IDA pay scale is to be considered in case of serving absorbed who are getting PRO RATA pension for the service rendered to the central govt. on surrendering of MTNL medical facility. It is requested for sympathetical consideration for natural justice.”

7. When it was asked from the respondents as to why they have not decided the aforesaid representations made by the applicants, they have submitted that the so called representations were never received by them. Even from perusal of the said representations placed on record, it is not made out that these were received by the

respondents, as they do not contain any signatures in proof of their receipt. It is also noticed that the representations placed on record are also undated.

8. In view of the facts and circumstances involved in the case, we direct the respondents to treat the representations filed in the OA as such and to consider each case of the applicants separately on the basis of their representations and pass a reasoned and speaking order within a period of 90 days of receipt of a certified copy of this order. In case they find a case made out for any revision of category of entitlement of CGHS facility in service/retirement, the respondents shall pass order accordingly revising their entitlement of CGHS facility.

9. With the above directions, the OA is disposed off.

No order as to costs.

(Nita Chowdhury)
Member (A)

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