**All India BSNL Pensioners’ Welfare Association (Regd.T.1833/09)**

**Central Headquarters**

AH 189/61, 3rd Street, Aurovile Flats, Anna Nagar, Chennai-600040

**President: P.S.Ramankutty General Secretary: G.Natarajan**

**Mobile – 09447551555 Mobile – 09444929799**

Date: 6/1/2017

To

Shri J.S.Deepak,

Secretary, Telecom,

Sanchar Bhawan, Asoka Road,

New Delhi-110001

Respected Sir,

Sub: **Request implementation of Principal Bench, CAT, New Delhi judgement**

We have submitted a letter yesterday (5/1/2017) along with certified copy of the judgement dated 16/12/2016 of Hon. Principal Bench of CAT, Newdelhi on the issue of pension anomaly. We would request you, sir, to implement the judgement to all the affected pensioners numbering approximately 4230 who retired between October 2000 & June 2001. Nearly 20% of the affected pensioners are not alive and the issue remained unsettled for more than decade. We request you, sir, to refrain from filing an appeal in the light of National Litigation Policy 2010 and the initiative taken by the Ministry of Law & Justice during the two years of the present Government.

National Litigation Policy 2010 part V states “Proceedings will be filed challenging orders of Administrative Tribunals only if” :

1. There is a clear error of record and the finding has been entered against the Govt.
2. The judgement of the Tribunal is contrary to a service rule or its interpretation by a High Court or the Supreme Court.
3. The judgement would impact the working of the administration in terms of morale of the service, the Government is compelled to file a petition; or
4. If the judgement will have recurring implications upon other cadres or if the judgement involves huge financial claims being made.

On the occasion of the Delhi High Court golden jubilee celebration in October 2016, the present Hon. Prime Minister of India expressed his anguish about the problem of excessive Government litigation.

Ministry of Law & Justice has published in their website about the initiatives taken during the two years of the present Government. According to that, Draft National Litigation Policy under formulation to make Government a responsible and efficient litigant. The salient features of draft policy are:-

1. To take preventive measures for reducing the new filing of cases by prescribing a procedure for proper dealing of the cases, extending benefit to similarly placed

-2-

persons and avoiding litigation between Government departments and PSUs through intervention of empowered agencies

1. Restricting appeals to minimum by careful scrutiny of the implications of the judgement; making appeal an exception unless it affects policy of the Government; minimal recourse to Supreme Court under Article 136

In view of the above facts, we request you, sir, to settle the case of pension anomaly as per the direction of Hon. Principal Bench, CAT Newdelhi within that time-frame.

Yours faithfully,

(G.Natarajan)

General Secretary.

**All India BSNL Pensioners’ Welfare Association (Regd.T.1833/09)**

**Central Headquarters**

AH 189/61, 3rd Street, Aurovile Flats, Anna Nagar, Chennai-600040

**President: P.S.Ramankutty General Secretary: G.Natarajan**

**Mobile – 09447551555 Mobile – 09444929799**

Date: 6/1/2017

To

Shri Ashok Lavasa,

Secretary, Expenditure,

Ministry of Finance, North Block,

New Delhi-110001

Respected Sir,

Sub: **Request implementation of Principal Bench, CAT, New Delhi judgement**

We filed a case in the Hon. Principal Bench, CAT, New Delhi for settling the issue of ‘Pension Anomaly’ for those who retired from BSNL between October 2000 & June 2001 under OA 2173/2014. Our Association was the 1st applicant and Secretary, Expenditure, Ministry of Finance was 4th respondent. The judgement was delivered on 16/12/2016. The principal Registrar issued a certified copy to the Govt. pleader on 4/1/2017. We herewith attach a copy of the same for your perusal. The operative portion of the judgement is given in para 25 which is reproduced below:

***25. There is, therefore, no ground whatsoever for the respondents to deny the benefit of formula adopted in OM dated18.10.1999. The impugned order dated 15.01.2003 is thus quashed with direction to the respondents to refix pension of the applicants from the date of their retirement in the same manner as calculated for Central Government employees/ Public Sector Undertaking like FCI by adopting the formula as contained in OM dated 18.10.1999 and give notional benefit of the IDA pay scales and, thereafter, grant all consequential benefits from the date of retirement in accordance with law. We fix a time frame of 90days from the receipt of a certified copy of this order for implementation of our directions. No costs.***

We would request you, sir, to implement the judgement to all the affected pensioners numbering approximately 4230 who retired between October 2000 & June 2001. Nearly 20% of the affected pensioners are not alive and the issue remained unsettled for more than a decade. We request you, sir, to refrain from filing an appeal in the light of National Litigation Policy 2010 and the initiative taken by the Ministry of Law & Justice during the two years of the present Government.

National Litigation Policy 2010 part V states “Proceedings will be filed challenging orders of Administrative Tribunals only if” :

1. There is a clear error of record and the finding has been entered against the Govt.
2. The judgement of the Tribunal is contrary to a service rule or its interpretation by a High Court or the Supreme Court.

-2-

1. The judgement would impact the working of the administration in terms of morale of the service, the Government is compelled to file a petition; or
2. If the judgement will have recurring implications upon other cadres or if the judgement involves huge financial claims being made.

On the occasion of the Delhi High Court golden jubilee celebration in October 2016, the present Hon. Prime Minister of India expressed his anguish about the problem of excessive Government litigation.

Ministry of Law & Justice has published in their website about the initiatives taken during the two years of the present Government. According to that, Draft National Litigation Policy under formulation to make Government a responsible and efficient litigant. The salient features of draft policy are:-

1. To take preventive measures for reducing the new filing of cases by prescribing a procedure for proper dealing of the cases, extending benefit to similarly placed

persons and avoiding litigation between Government departments and PSUs through intervention of empowered agencies

1. Restricting appeals to minimum by careful scrutiny of the implications of the judgement; making appeal an exception unless it affects policy of the Government; minimal recourse to Supreme Court under Article 136

In view of the above facts, we request you, sir, to settle the case of pension anomaly as per the direction of Hon. Principal Bench, CAT Newdelhi within that time-frame.

Yours faithfully,

(G.Natarajan)

General Secretary.

**All India BSNL Pensioners’ Welfare Association (Regd.T.1833/09)**

**Central Headquarters**

AH 189/61, 3rd Street, Aurovile Flats, Anna Nagar, Chennai-600040

**President: P.S.Ramankutty General Secretary: G.Natarajan**

**Mobile – 09447551555 Mobile – 09444929799**

Date: 6/1/2017

To

Shri C. Viswanath,

Secretary, Pension,

Lok Nayak Bhawan, Khan Market,

New Delhi-110003

Respected Sir,

Sub: **Request implementation of Principal Bench, CAT, New Delhi judgement**

We filed a case in the Hon. Principal Bench, CAT, New Delhi for settling the issue of ‘Pension Anomaly’ for those who retired from BSNL between October 2000 & June 2001 under OA 2173/2014. Our Association was the 1st applicant and Secretary, Pension, Ministry of Ministry of Personnel, Public Grievances & Pensions was 3rd respondent. The judgement was delivered on 16/12/2016. The principal Registrar issued a certified copy to the Govt. pleader on 4/1/2017. We herewith attach a copy of the same for your perusal. The operative portion of the judgement is given in para 25 which is reproduced below:

***25. There is, therefore, no ground whatsoever for the respondents to deny the benefit of formula adopted in OM dated18.10.1999. The impugned order dated 15.01.2003 is thus quashed with direction to the respondents to refix pension of the applicants from the date of their retirement in the same manner as calculated for Central Government employees/ Public Sector Undertaking like FCI by adopting the formula as contained in OM dated 18.10.1999 and give notional benefit of the IDA pay scales and, thereafter, grant all consequential benefits from the date of retirement in accordance with law. We fix a time frame of 90days from the receipt of a certified copy of this order for implementation of our directions. No costs.***

We would request you, sir, to implement the judgement to all the affected pensioners numbering approximately 4230 who retired between October 2000 & June 2001. Nearly 20% of the affected pensioners are not alive and the issue remained unsettled for more than a decade. We request you, sir, to refrain from filing an appeal in the light of National Litigation Policy 2010 and the initiative taken by the Ministry of Law & Justice during the two years of the present Government.

National Litigation Policy 2010 part V states “Proceedings will be filed challenging orders of Administrative Tribunals only if” :

1. There is a clear error of record and the finding has been entered against the Govt.
2. The judgement of the Tribunal is contrary to a service rule or its interpretation by a High Court or the Supreme Court.

-2-

1. The judgement would impact the working of the administration in terms of morale of the service, the Government is compelled to file a petition; or
2. If the judgement will have recurring implications upon other cadres or if the judgement involves huge financial claims being made.

On the occasion of the Delhi High Court golden jubilee celebration in October 2016, the present Hon. Prime Minister of India expressed his anguish about the problem of excessive Government litigation.

Ministry of Law & Justice has published in their website about the initiatives taken during the two years of the present Government. According to that, Draft National Litigation Policy under formulation to make Government a responsible and efficient litigant. The salient features of draft policy are:-

1. To take preventive measures for reducing the new filing of cases by prescribing a procedure for proper dealing of the cases, extending benefit to similarly placed

persons and avoiding litigation between Government departments and PSUs through intervention of empowered agencies

1. Restricting appeals to minimum by careful scrutiny of the implications of the judgement; making appeal an exception unless it affects policy of the Government; minimal recourse to Supreme Court under Article 136

In view of the above facts, we request you, sir, to settle the case of pension anomaly as per the direction of Hon. Principal Bench, CAT Newdelhi within that time-frame.

Yours faithfully,

(G.Natarajan)

General Secretary.