

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24923 of 2019

Umesh Chandra Verma, aged about 62 years, son of late Mahendra Lal Verma, Resident of Village - Kharka, P.O. Kharka, Via- Jalley, P.S.- Nanpur, District - Sitamarhi, Pin Code-847302 (Bihar).

... .. Petitioner

Versus

1. The Bharat Sanchar Nigam Limited through the Chairman-cum-Managing Director, Bharat Sanchar Bhawan, Janpath, New Delhi-110001.
2. The Chief General Manager (Project), Telecomm Project, Eastern Zone, Bharat Sanchar Nigam Limited, 2/5A, Judges Court Road, Kolkata-700027 (West Bengal).
3. The Chief General Manager, Bharat Sanchar Nigam Limited, Bihar Circle, Patna-800001 (Bihar).
4. The General Manager, Telecomm Project, Patna-800001 (Bihar).
5. The Deputy General Manager (OFC), Muzaffarpur (Bihar).
6. Tarun Kumar Lal, son of Late Kamlesh Narain Lal, Resident of Village - Betauna, P.S. Benipatti, District-Madhubani (Bihar).
7. Vikramaditya Singh, Son of Late Aatmanand Singh, Resident of Village-Bihyara, P.S. Chandi, District-Bhojpur (Bihar).

... .. Respondents

Appearance :

For the Petitioner/s : Mr. M.P. Dixit, Advocate
For the Respondent/s : Mr. Harendra Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

3 20-01-2020 Heard learned counsel appearing for the parties.

2. From the order of the Tribunal, it appears that the petitioner has claimed that after having been absorbed in the Bharat Sanchar Nigam Limited, he is eligible for getting the



benefit arising from the Presidential orders entitled for addition of 50% of the temporary status Mazdoor period for pensionary benefits.

3. Learned counsel for the petitioner submits that it was not his case but, he was only seeking the relief of pension but, this part does not reflect from the order of the Tribunal. It has further been alleged that the petitioner has been regularized in service with effect from 01.10.2000 as regular employee and worked for years together and recently he has superannuated from the service i.e. 31.12.2017, so he is entitled for the pensionary benefit as per CCS (Pension) Rules.

4. In turn, learned counsel for the B.S.N.L. submits that the petitioner was never conferred the temporary status, so the claim of counting 50% of period as temporary status employee, does not arise as before 01.10.2000 the employees were working under the Department of Telecommunication and he all along worked as a casual employee. The B.S.N.L. came into existence with effect from 1.10.2000 and after that, the service of the petitioner along with others were absorbed and made permanent, inasmuch as, those casual worker, who were conferred the temporary status, were entitled to the benefit as per Presidential orders.



5. It has further been submitted that those employees who were conferred temporary status before 01.10.2000 and continued thereafter, 50% of the period of the part service will be counted for the purposes of pension. He has further submitted that there is no provision for grant of any pension after 01.10.2000, only those, who are permanent employees of the Department of Telecommunication, on option, were granted the benefit of pension but, those who were absorbed after 01.10.2000, were conferred the temporary status, were made entitled to the benefit of pension arising from the CCS (Pension) Rules. As the petitioner was not holding a substantive post before 01.10.2000 or was not conferred the benefit of temporary status but, was merely a casual labour, then the question of his entitlement under the CCS (Pension) Rules does not arise.

6. Learned counsel for the petitioner submits that as the petitioner was made permanent on 01.10.2000 and he all along claimed the pension but, that prayer has not been dealt with by the Tribunal.

7. It appears that three persons have moved before the Tribunal and against the common order order of the Tribunal one Tarun Kumar Lal approached this Court in C.W.J.C. No.



17467 of 2019 and the same has been rejected vide order dated 28.08.2019.

8. In such view of the matter, we do not find any merit in this writ petition, accordingly, the same is dismissed. However, if the petitioner has any grievance, he may represent the Department for redressal of the same.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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