

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15460 of 2019**

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Ram Sudhar Singh Son of Late Chandrika Singh Ex- Senior Accounts Officer,  
Office of the Chief General Manager, Bharat Sanchar Nigam Limited, Bihar  
Circle, Patna, Resident of Mohallah- Jogiya Toli, House of Renu Devi, Near  
B.D. College, District- Patna (Bihar) Pin Code- 800001.

... .. Petitioner/s

Versus

1. Bharat Sanchar Nigam Limited through its Chief Managing Director,  
Corporate Office, Harish Chandra Mathur Lane, Janpath, New Delhi-  
110001.
2. The Director (H.R.) Bharat Sanchar Nigam Limited, Corporate Office,  
Harish Chandra Mathur Lane, Janpath, New Delhi- 110001.
3. The Director (Finance) Bharat Sanchar Nigam Limited, Corporate Office,  
Harish Chandra Mathur Lane, Janpath, New Delhi- 110001.
4. The Chief General Manager Bharat Sanchar Nigam Limited, Bihar Circle,  
Patna- 800001.
5. The General Manager (Finance) Chief General Manager, Bharat Sanchar  
Nigam Limited, Bihar Circle, Patna- 800001.
6. The Chief Accounts Officer Office of the Chief General Manager, Bharat  
Sanchar Nigam Limited, Bihar Circle, Patna- 800001.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Munna Pd Dixit (M.P. Dixit), Advocate<br>Mr. S.K. Dixit, Advocate<br>Mr. Sanjay Kumar Chaubey, Advocate<br>Mrs. Swastika, Advocate |
| For the Respondent/s | : | Mr. Renuka Sharma, Advocate                                                                                                            |
| For BSNL             | : | Mr. Ashok Kumar Dubey, Advocate<br>Mr. Umashankar Singh, Advocate<br>Mrs. Namita Vijaya, Advocate                                      |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**

**and**

**HONOURABLE MR. JUSTICE RAJIV ROY**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 04-07-2022**

Heard learned counsels for the parties.



2. In the instant petition, petitioner's counsel sought that matter be taken up after few cases. It was permitted. Thereafter, he was keep on arguing the matter stating that there are certain Rules which are required to be taken into consideration for the purpose of extending pension and benefits irrespective of pendency of criminal proceedings against the petitioner. However, he could not apprise this Court with any statutory Rules.

3. At the behest, petitioner's counsel matter is taken up for disposal of the matter. Instead of arguing the matter, petitioner's counsel was doing library. When he was asked to argue the matter, he was just turning the pages of the writ papers. Probably he did not notice any material information, therefore, he sought the matter be taken up after few cases. The same was refused.

4. The petitioner has assailed the order of the Central Administrative Tribunal dated 07.02.2019 passed in O.A./050/00260 of 2018. The petitioner was an employee of B.S.N.L. He has attained age of superannuation and retired from service on 30.04.2017. Undisputedly, one criminal case was pending against him from the year 2008. In view of pendency of criminal proceedings, the respondent – Department has withheld certain retiral benefits. Thus, petitioner feeling aggrieved and



dissatisfied with the action of the respondent – Department, he preferred original application before the Central Administrative Tribunal. The Central Administrative Tribunal rejected the petitioner's application. Thus, the petitioner has presented this petition.

5. The petitioner is governed by Central Civil Services (Pension) Rules, 1972 (for short 'Rules 1972') or not? One of the service Rules is relating to B.S.N.L. employees is B.S.N.L. (C.D.A.) Rules, 2006 (for short 'Rules 2006'). Petitioner's contention is that Rules 1972 is not attracted insofar as petitioner's retiral dues. Therefore, the issue before the Central Administrative Tribunal is whether petitioner is governed by Rules 1972 or any other Pension Rules. The Central Administrative Tribunal proceeded to reject the petitioner's claim with reference to the fact that Rules 1972 is attracted insofar as petitioner is concerned for the purpose of extending retiral benefits including payment of pension.

6. The petitioner could not apprise the Central Administrative Tribunal that Rules 1972 is not applicable and some other Rules are applicable. Rules 2006 is not dealing with the pension and pensionary benefits in respect of B.S.N.L. employee. In other words, B.S.N.L. has adopted Rules 1972 for



the purpose of extending retiral and pensionary benefits to such of those B.S.N.L. employees who have attained age of superannuation and retired from service. The respondent – Department have specifically taken contention that Rules 2006 is not applicable and it is not relating to pension Rules and only statutory Rules applicable in respect of extending retiral benefits including pension to the petitioner is Rules 1972. The same has been taken note of by the Central Administrative Tribunal while rejecting the petitioner's claim.

7. Core issue is that Rules 69 (c) of Rules, 1972 prohibits payment of gratuity to a retired employee who is facing department or criminal proceedings is pending. In the present case petitioner is facing criminal proceedings and it is pending consideration. Therefore, Department – respondent rightly withheld certain retiral benefits and it has been affirmed by the Tribunal.

8. The petitioner's counsel could not apprise this Court that Rules 1972 is not applicable to the petitioner so as to contend that pendency of criminal proceedings would not be hurdle in extending all retiral benefits which was due to the petitioner.

9. Accordingly, petition stands dismissed.



10.. I.A., if pending, stands disposed of in the light of disposal of main petition.

**(P. B. Bajanthri, J)**

**( Rajiv Roy, J)**

GAURAV S./-

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