

CWP-4703-2021

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-4703-2021

Date of Decision: 05.09.2023

Om Parkash

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.K. Verma, Advocate for the petitioner

Mr. Arvind Moudgil, Senior Panel Counsel
for Union of India-respondent Nos.1 to 6

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner, through instant petition under Articles 226/227 of the Constitution of India, is seeking directions to respondents to grant him benefit of pay upgradation under NEPP Policy dated 23.03.2010 at par with DOT absorbed regular employees in view of order/letter dated 23.09.2018 issued by Deputy General Manager (Estt-1).

2. The petitioner was working as part time casual labourer/sweeper since the year 1988 and his services were regularized w.e.f. 01.10.2000. The petitioner voluntarily retired from the respondent-department on 31.01.2020. The petitioner made a representation before the respondents to grant pension and other retiral benefits by counting his part time casual labourer and full time casual labourer period rendered from 1988 till 30.09.2000.

3. Learned counsel for the respondent, at the outset, submits that Government of India, Ministry of Personnel, Public Grievances and Pensions

vide notification dated 31.10.2008 has notified that employees of BSNL being Central Public Sector Undertaking employee would be covered by Administrative Tribunals Act, 1985. Thus, petitioner with respect to his grievance of grant of pay upgradation at par with the DOT absorbed regular employees was bound to approach Central Administrative Tribunal (for short ‘CAT’).

4. Faced with this, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to approach CAT. He further submits that delay in approaching CAT may be condoned.

5. In the wake of statement learned counsel for the petitioner, the present petition stands dismissed as withdrawn with liberty to petitioner to approach CAT for the redressal of his grievances.

6. It is made clear that if petitioner approaches CAT within one month from today, the CAT would consider application of the petitioner as within limitation period.

(JAGMOHAN BANSAL)
JUDGE

05.09.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>