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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 29.04.2025

+ W.P.(C) 15941/2024 AND CM APPL. 15861/2025

UNION OF INDIA & ANR.Petitioners

Through: Ms. Sarika Singh, SPC.

versus

SH. RAJ PAL SINGH RANA & ORS.Respondents

Through: Mr. A K Behra, Sr. Advocate,
with Mr. Vaibhav Kalra and
Ms. Neha Bhatnagar,
Advocates.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, challenging the Order dated 16.01.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in Original Application No. 2973/2019 titled *Sh. Raj Pal Singh Rana and Ors. v Union of India and Ors.* (O.A.), allowing the said O.A. filed by the respondents herein with the following directions:

"4.2. In view of above the following directions are issued:-

(i) The respondents shall consider for granting pension to the present applicants taking the combined service in DoT and MTNL in light of the order dated 15.12.2023 in OA No. 1803/2018 passed by the Full Bench of this Tribunal. They shall take appropriate decision within a period of eight weeks from the date of



receipt of a certified copy of this order.”

2. The learned Tribunal has passed the Impugned Order by placing reliance upon a Full Bench decision dated 15.12.2023 of the learned Tribunal in a batch of O.As., including the O.A. 2803/2018 titled ***Sh. Vipin v. Union of India and Ors.***, which, in turn, had placed reliance on the Order dated 16.11.2018 of this Court in ***Union of India and Anr. v Smt. Asha Devi***, passed in W.P.(C) 9070/2018.

3. The learned counsel for the petitioner submits that the learned Tribunal has failed to appreciate that in the Option Form that was given to the respondents, there was a clear warning that in the case of employees with less than 10 years of service, they shall be entitled only to an amount equal to the Provident Fund contribution for the period of their service under the Government, along with simple interest at the rate of 6% per annum, on the opening balance in their CPF account with Mahanagar Telephone Nigam Ltd. (hereinafter referred to as, 'MTNL'). She further submits that despite this warning, the respondents had still chosen option (a), that is, to retain pensionary benefits from the Department of Telecommunication (hereinafter referred to as, 'DoT') at the time of their absorption with the MTNL, instead of their service with the DoT being counted for the ultimate pensionary benefits that would be released by the MTNL. She contends that the respondents were indeed paid this lump sum amount at the time of their absorption.

4. We find that the above plea has not been raised by the petitioners before the learned Tribunal at the time of the hearing of the O.A. and the passing of the Impugned Order. The Impugned Order, in



fact, states that the learned counsel appearing for the respondents therein had only sought an adjournment to seek further instructions on the Judgment of the Full Bench of the learned Tribunal.

5. Further, the Option Form containing the above stated warning has neither been placed before us nor does it appear to have been placed before the learned Tribunal as well. The same is confirmed by the learned Senior Counsel for the respondents.

6. We are of the opinion that given the above circumstances, the petitioners cannot maintain the present petition. In case the petitioners feel that the learned Tribunal has erred in not considering any submission made by them before the learned Tribunal, their appropriate remedy would be to approach the learned Tribunal in the form of an appropriate application.

7. The petition along with the pending application is, accordingly, disposed of with the above liberty.

8. However, we make it clear that we have not expressed any opinion on the merits of the submissions made by the learned counsel for the petitioners.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 29, 2025

p/kz/DG

[Click here to check corrigendum, if any](#)