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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3158/2022 & CM No.9180/2022**

R. RAMACHANDRAN Petitioner

Through : Petitioner in-person.

versus

MAHANAGAR TELEPHONE NIGAM
LIMITED & ANR.

..... Respondents

Through : Mr A.C. Mishra, Adv. For R-1
Ms Nidhi Raman, CGSC with Mr.
Zubin Singh, Adv. For R-2.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE TALWANT SINGH

ORDER

% **21.02.2022**

[Court hearing convened via video-conferencing on account of COVID-19]

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1. Allowed, subject to just exceptions.

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2. The principal grievance of the petitioner is that pension revision has not taken place at the prescribed rate insofar as DA is concerned, resulting in anomaly. According to the petitioner, the correct rate for DA will be 78.2% and not 68.8%.

2.1 To be noted, the petitioner retired from respondent no.1/MTNL.

2.2. The petitioner, who appears in person, seeks revision in pension w.e.f. 01.01.2007.

3. Issue notice to the respondents.

3.1. Mr A.C. Mishra accepts notice on behalf of respondent no.1/MTNL, while Ms Nidhi Raman accepts notice on behalf of respondent no.2, in effect, Department of Telecommunication.

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4. One of the things that has emerged during the course of the hearing concerns interpretation to be given to Office Memorandums [in short, “OMs”] dated 26.11.2008 and 02.04.2009.

4.1. According to the counsel for the respondents, the aforesaid OMs fixed the maximum permissible rate at which the pay/pension can be revised, and, therefore, respondent no.1/MTNL, based on its financial wherewithal, had granted DA at the rate of 68.8% as against 78.2%, which is the maximum rate.

4.2. It is the case of the respondents that the Presidential Directives have also been issued, in that behalf.

5. We may also note that the aforementioned OMs have been issued by the Department of Public Enterprises, Ministry of Heavy Industries & Public Enterprises, Government of India.

5.1. We would like the concerned Department to place its say in the matter before us as regards the interpretation of the aforementioned OMs.

5.2. Ms Raman will take the necessary instructions, and will have an affidavit filed by the concerned Department in this regard.

6. We are told by the petitioner that the concerned department i.e., Department of Public Enterprises is now under Ministry of Finance, Government of India.

6.1. The petitioner will take steps to file an amended memo of parties, arraying the said department under the umbrella of Union of India i.e., respondent no.3.



6.2. The amended memo of parties will be filed within the next two weeks.

7. Counter-affidavit(s) will be filed, within four weeks.

7.1. Rejoinder(s) thereto, if any, will be filed before the next date of hearing.

8. List the matter on 19.09.2022.

RAJIV SHAKDHER, J

TALWANT SINGH, J

FEBRUARY 21, 2022/aj

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