



# ALL INDIA BHARAT SANCHAR NIGAM LIMITED RETIRED EXECUTIVES' ASSOCIATION

## Central Headquarters

Registered under Societies Registration Act XXI of 1860 vide Govt. of NCT Delhi No. S/RS/SW/1161/2014

[Registered under Pensioners Portal vide DoP&PW letter No. 4(4)/2021-P&PW(H)7311 dated 04.01.2024]

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### President

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### General Secretary

R.R.Balasubramanian  
(M) 9486100613

### Financial Secretary

Awadesh Sharma  
(M) 9968630008

No. AIBSNLREA/CHQ/2024/69

Date: 18<sup>th</sup> September 2024

To

Shri Alok Agarwal,  
Co-operative Ombudsman,  
9th Floor, Tower E,  
World Trade Centre,  
Nauroji Nagar,  
New Delhi 110029

**Sub: Request to intervene and resolve the years old grievance of members of the Government Telecom Employees' Co-operative Society, Chennai, without accepting wrong claim by the Govt. Telecom Employees co-operative Society, Chennai that the matter is sub-judice**

**Ref: 1. Our letter No.AIBSNLREA/CHQ/2024/61 dated 21<sup>st</sup> August 2024**

**2. Your email dated 9<sup>th</sup> September 2024**

**3. Your office letter vide F.No.R-11017/02/2024-Omb./CRCS dated 25th July 2024**

Sir,

We are thankful for agreeing to our request vide our letter cited under Ref. 1 above for considering the complaints on the above subject without imposing any restriction on the date of submission, conveyed to us vide your email cited under Ref.2 above. But now some of our members have produced another letter from your office cited under Ref.3 above, wherein the complaints have been returned as not maintainable on the reasoning that "In the instant case, Government Telecom Employees Cooperative Society Ltd, Chennai has informed the Central Registrar of Co-operative Society that BSNL Trade Unions, BSNL Associations and a few of their Office bearers have filed various Writ Petitions in the Hon'ble High Court of Madras and the matter is sub-judice."

2. The letter also cites the provisions of rule 30G(2)(a) of MSCS Rules, 2002 which states that "No complaint shall be made or no appeal shall be preferred, as the case may be, to the ombudsman on an issue which has been or is the subject matter of any proceeding in an appeal, revision, reference or writ, before any Authority, Tribunal, Court or Central Registrar." It is unfortunate that your office has relied on the words of the Chennai Society without verifying the facts as to whether the matter is factually sub-judice.

3. As per Section 10 C of Indian Code of Civil Procedure, for any matter to be considered as sub-judice, the parties to the petition, the subject matter in issue and the relief sought for, all the three must be the same. None of the complainants who had approached the Co-operative Ombudsman now have earlier approached any court seeking relief of ordering the Society to refund their dues. The parties, the issue and the relief sought for in the writ petitions referred to by the Chennai Society are entirely different and therefore seeking refund of the dues cannot be claimed to be sub-judice. The Society is conveniently taking refuge under the term sub-judice, in order to shirk its responsibility to pay the dues to its members.

4. It will therefore be just and fair to accept the complaints, as the complainants will also be declaring under Column 9 of Form VI as to whether their complaint is sub-judice before any Authority, Tribunal, Court, or the Central Registrar or is the subject matter of arbitration under section 84. The affected members of the said Society, who are all pensioners now, have been suffering for years with the hope that they may get back their dues running to lakhs of rupees for each of them, one day or another. Miserably, many have died during the intervening period. As the Central Registrar had earlier declined to intervene saying he has no administrative control over the society, the aggrieved pensioners have pinned their hope on the newly created Ombudsman.

5. We would therefore request you to kindly cause consideration of the all the complaints received on the subject by your office when submitted in Form IV, without treating them as not-maintainable on the wrong plea of 'sub-judice' and cause suitable action to make the Society pay their dues.

With kind regards,

Yours sincerely,



(R.R. Balasubramanian)  
General Secretary

Copy to:

1. Dr. Ashish Kumar Bhutani,  
Secretary, Ministry of Co-operation, Gol
2. Shri V Srinivas,  
Secretary (Pension), DoP&PW, Gol