

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**ERNAKULAM BENCH**

**Original Application No. 180/00134/2020**  
**Monday, this the 2<sup>rd</sup> day of March 2020**

**CORAM:**

**Hon'ble Mr. Ashish Kalia, Judicial Member**

1. B.Ashok Kumar, 53years  
S/o Balakrishnan  
Former Driver Grade II,  
Office of GMT, Palakkad,  
residing at  
Thulasi Krishna,  
Melepuram  
Akathethara, Olavakkode,  
Palakkad-678 002  
Mob No.9447085599.
2. Santosh Kumar.K.  
S/o Late Narayanan,  
Former Senior Office Associate  
Office of SDE, CSC, CTO  
BSNL Palakkad  
Residing at Kongassery House,  
Pulakkunnath, Kalladikode,  
Karimba, Palakkad-678 596  
Mobile:9446457325.
3. Vijagopalan C.P., aged 53 years,  
S/o V.P.Balakrishna Menon,  
Former Assistant Office Supdt.  
Office of SDE(CAF), BSNL, Palakkad, residing at  
14/184, Saradendu,  
Pirayari Post  
Palakkad-678 004  
Mob:9496174545
4. Sivadasan.M., aged 55 years,

S/o Chamikutty Nair,  
Former Telecom Technician,  
Office of SDE, Telephone Exchange, Thachampara  
residing at  
Mangattil House,  
Pottassery, Mannarkkad-678 582  
Mob:9496234540

5. Shri P.P.Unnikrishnan, Aged 58 years,  
S/o Nayadi  
Former Telecom Technician  
O/o SDE Telephone Exchange, Pulassery,  
residing at  
Pancharathpady, Choorakkod,  
Vallapuzha, Palakkad-679 336  
Mob:9495006440
6. Vijayakrishnan N. , Aged 57 years,  
S/o Narayana Panickar  
Former Telecom Technician  
Former Telephone Exchange,  
Kunissery,  
residing at Kalarikkal House,  
Vallanghi, Nenmara, Palakkad-6788 508  
Mob:9496789568
7. K.P.Unnikrishnan, Aged 58 years,  
S/o Sankaran Kutty Nair,  
Former Telecom Technician  
O/o SDE, Telephone Exchange  
Pulassery  
residing at  
Vrindavanam  
Kulukkallur, Mulayankavu  
Palakkad-679 337  
Mob:9447725655
8. Premadas.N, Aged 51 years,  
S/o Late Narayanan,  
Former Telecom Technician  
O/o SDE Telephone Exchange  
Nemmara  
residing at

Puthan House, MLA Road.  
Thavalakulam, Nenmara,  
Palakkad-678 508  
Mob:8113885558

9. Esalan K.V. aged 51 years,  
Former Telecom Technician  
Office of SDE, Telephone Exchange  
residing at  
Kundukad, Vadakkancherry PO  
Palakkad-678 683.  
Mob:8281686431
10. Jyothi Prakash V. Aged 56 years,  
S/o Velayudhan  
Former Telecom Technician  
Office of SDE, Central BSNL,  
Palakkad  
residing at  
Alamkode House  
Olavakkode Post, Palakkad 678 002  
Mob:9496234707
11. Krishnakumar V.  
Aged 56 years  
S/o Vishwanathan  
Former Telecom Technician  
Office of SDE, Telephone Exchange  
Pathirapala, Residing at Vennakkara House  
Puthuppariy Aram, Palakkad,  
Mob:9388407555.

.....Applicants

**(By Advocate : Mr.U.Balagangadharan)**

**V e r s u s**

1. Union of India represented by  
Secretary, Department of Telecommunications,  
Ministry of Communications,  
New Delhi-110 011.

2. The Chairman and Managing Director  
Bharat Sanchar Nigam Limited  
Bharat Sanchar Bhavan,  
Harish Chandra Mathur Lane,  
New Delhi – 1101000
  
- 3 The Chief General Manager Telecom  
Bharat Sanchar Nigam Limited  
Sanchar Bhavan, Kerala Circle,  
Thiruvananthapuram, Pin – 695 001.
  
4. The General Manager,  
Bharath Sanchar TB Road  
Palakkad-678 014.

..... **Respondents**

**[By Advocate : Mr.Sreenath S, ACGSC.(R.1), Mr.T.C.Krishna R.2-4)**

This application having been heard on 02.03.2020 the Tribunal on 02.03.2020 delivered the following:

### **ORDER(ORAL)**

**Hon'ble Mr. Ashish Kalia, Judicial Member –**

This matter was heard at length.

2. Applicants are former employees of BSNL in Palghat District who availed voluntary retirement from service as per the scheme notified by the BSNL. Though Scheme provides for recovery of dues from gratuity and Ex-gratia payments to be paid to them, the respondents are recovering entire dues from the leave encashment amounts now going to be paid. The applicants are aggrieved by non disbursement of benefits as per the Scheme as per the schedule and they are also aggrieved by withholding of recovered amounts from their pay and allowance towards society dues

and they are still not deposited with society. Aggrieved by this non disbursement of benefits as per the schedule, they approached this Tribunal. Learned counsel for the Applicant has drawn my attention to an undertaking given by one of the employees that payment shall be recovered in three equal instalments i.e. Leave encashment/first payment of ex-gratia and 2<sup>nd</sup> payment of ex-gratia. Applicants have approached this tribunal for redressal of this grievance. BSNL has relied upon the scheme which runs as follows:

***"Payment of the amount of Ex-Gratia and Gratuity shall be subject to recovery of dues outstanding against the employee and deduction of tax at source as per provisions of Income Tax Act, 1961, in force, on the date of payment".***

Issue Notice. Mr.T.C.Krishna, Learned Counsel for the repondents, has apprised this Tribunal that there is a format given to the employees by which two options were given, either they may pay dues of the society(beneficiary) and take entire payment or the dues may be recovered in two equal instalments i.e. from ex-gratia and leave encashment. Applicants had not adhered to the scheme and given their own request which is prohibited by the Government instructions that no payment shall be recovered from other than these two Heads.

3. After hearing the counsel parties this tribunal is of the view that the respondents are entitled to recover the dues from the ex-gratia payment as well as leave encashment under the law as they have given undertaking to the beneficiary. In view of the above, this Tribunal directs as under:

**The respondents are directed to recover the said amount in two equal**

**instalments, first from Leave Encashment and other from the first payment of ex-gratia, with the rider that they will make payment to the beneficiary in time. In case of any delay, no liability will be fastened to the applicant. With this observation, O.A. is disposed of. No costs.**

**(ASHISH KALIA)  
JUDICIAL MEMBER**

SS

**LIST OF ANNEXURES**

- Annexure A1 - A true copy of letter No.1-15/2019-PAT(BSNL) dated 4.11.2019 issued by the Deputy General Manager in the office of second respondent.
- Annexure A2 - A true copy of letter No.01-15/2019-PAT(BSNL) dated 20.12.2019 issued by the Deputy General Manager in the office of 2<sup>nd</sup> respondent.
- Annexure A3 -A true copy of order No.VRS2019/2300/2309/a/0000000038 dated 2.1.2020 issued by 4<sup>th</sup> respondent.
- Annexure A4 - A true copy Notice NO.OD/T/2019 dated 20.12.2019 issued by the Palakkad District Postal Telecome and BSNL Emp. Co-op Society Limited, Palakkad.
- Annexure A5 - A true copy of the undertaking given by the third applicant.
- Annexure A6 - A true copy of the representation submitted by the third applicant dated 5.2.2020 to the second respondent.

\*\*\*\*\*

