

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00824/2019
Friday, this the 10th day of January, 2020

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

1. V.K.Devarajan,
 S/oP.Kesavan, aged 58 years,
 Office Superintendent, Public Relation Section,
 Office of the General Manager, BSNL Bhavan,
 Thiruvalla-689101, residing at Varikolil House, Venpala P.O.
 Thiruvalla-689102
 Mob No.9497245601
2. M.Saseendran
 S/oManiyan.V, aged 48 years,
 Senior Sub Divisional Engineer,
 BSNL Bhavan, Kunnamthanam,
 Thiruvalla, residing at Sudarsanam, P.C.Kavala P.O.
 Payippad, Kottayam-686537
 Mob.No.8547699000

.....**Applicants**

(By Advocate : Mr. Brijesh Mohan)

V e r s u s

1. Bharat Sanchar Nigam Ltd.
 Bharat Sanchar Bhavan,
 HC Mathur Lane,
 Janpath, New Delhi – 110 001
 Represented by its Chairman and Managing Director.
2. The Chief General Manager,
 BSNL, Kerala Circle,
 Thiruvananthapuram, Pin – 695 033.
3. The General Manager,(Finance),
 Office of the Chief General Manager,
 BSNL, Kerala Circle,
 Thiruvananthapuram-695033

4. The General Manager,
Bharat Sanchar Nigam Ltd.
Pathanamthitta Telecom District,
Thiruvalla-689 101
5. Deputy General Manager(Finance)
Office of the General Manager,
Bharat Sanchar Nigam Ltd.,
Thiruvalla-689 101

..... **Respondents**

[By Advocates : Mr.V.Santharam]

This application having been heard on 07.01.2020 the Tribunal on 10.01.2020 delivered the following:

ORDER

Hon'ble Mr. Ashish Kalia, Judicial Member –

The Applicants herein are working as Office Superintendent and Senior Sub Divisional Engineer respectively. Since February, 2019 onwards the salary due to the applicants are not paid in time. Even the salary of the applicants for the month of September was paid to the applicants only on 23.10.2019 by the Respondents. Thereafter, no salary has been paid to the Applicants. The Applicants have obtained loan from banks for which deductions are effected. However, the deductions effected from the salary of the applicants are not being remitted to the banks concerned since May 2019 onwards because of which applicants are facing coercive action at the hands of the respective financial institutions.

2. In respect of Applicant No.1, there is a Court attachment by the Kerala State Financial Enterprises Limited towards non-payment of Chitti arrears amounting to Rs.20,000/- per month. So also, bank loan amounting to

Rs.11,500/- is also outstanding. The Applicant No.1 has also availed loan from the Employees Co-operative Society Ltd. as well as from Government Employees Cooperative Bank, Thiruvalla regarding which an amount of Rs.32,604/- is being deducted monthly. Similarly, deductions are being made from the applicant No.2. But, these amounts are not being remitted. Aggrieved by this, the applicants have approached this tribunal praying for the following relief:

- (a) Declare that the action of the respondents in not remitting the amounts deducted from the salary of the applicants towards the dues to the financial institutions is arbitrary, illegal and unjust.*
- (b) Direct the respondents to disburse the monthly salary due to the applicants on time.*
- (c) Direct the respondents to disburse the amounts deducted from the salary of the applicants from May, 2019 towards remittance due to the financial institutions forthwith.*

And

- (d) Such other and further reliefs as this Hon'ble Tribunal may find just and proper*

3. Notices were issued. Learned Counsel, Mr.V.Shantaram appeared on behalf of the Respondents and filed a detailed reply statement. It is submitted therein that the salary could not be paid by the organisation in time due to the present financial distress of the respondent. BSNL Headquarters, New Delhi is disbursing funds for payment of the salary after deducting the recovery amount and net take home pay salary only is being paid monthly and from the month of May 2019 onwards the pay bill recovery amount has not been paid from BSNL Headquarters, New Delhi. Recovery particulars of the applicants are given in detail in para 5 of the reply statement.

4. It is further submitted that disbursement of salary belatedly and non-remittance of pay bill recovery amount is only due to financial crunch/distress being faced by the BSNL. In-order to make the payments to the applicants the matter has been taken up with BSNL Corporate Office by the Budget and Banking Section of Circle Office and payment will be made on receipt of funds.

5. Mr.Brijesh Mohan, Learned counsel for the applicant submits that the applicants have raised a genuine claim as they are in service and they are entitled to get monthly salary as and when it is due. It is needless to say that due to the financial distress of the organisation, respondents failed to make payments to the applicants in time, but that cannot be taken for the grant to defend themselves.

6. It is true that the applicants are having financial liability towards financial institutions for which they have given undertaking for recovery from monthly salary. Applicants are now facing difficulty and cohesive actions are taken by the bank and other financial institutions.

7. Under the facts and circumstances of the case, we hereby direct the respondents not to make any further deductions from the salary of the applicants henceforth towards the loans availed by the applicants and to pay the entire salary due to the applicants from Dec. 2019 onwards so that they directly pay their outstanding dues from their salary to the bank and other

concerned financial institutions in time. The payment should be made to the applicants in time. With this observation, the O.A. is disposed of.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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Original Application No. 180/00824/2019**APPLICANT'S ANNEXURES**

Annexure A1 - True copy of the pay slip of the 1st applicant for September, 2019

Annexure A2 - True copy of the pay slip of the 1st applicant for October, 2019

Annexure A3 - True copy of the pay slip of the 2nd applicant for September, 2019

Annexure A4 - True copy of the pay slip of the 2nd applicant for October, 2019.

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