

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.427/2001

Friday, this the 24th day of August, 2001

Hon'ble Shri S.A.T. Rizvi, Member (Admn)

A.K. Sinha  
Under Secretary  
Ministry of Statistics & Programme Implementation  
Sardar Patel Bhavan,  
Sansad Marg, New Delhi-1  
R/O 1118, S-12  
R.K. Puram, New Delhi-22.

..Applicant

(Applicant in person)

Versus

1. The Secretary  
Ministry of Statistics & Programme Implementation  
Sardar Patel Bhavan,  
Sansad Marg, New Delhi-1
2. Shri A.K. Sharma  
Director (Admn)  
Ministry of Statistics & Programme Implementation  
Sardar Patel Bhavan,  
Sansad Marg, New Delhi-1
3. Shri R. Ravi, Under Secretary  
Ministry of Statistics & Programme Implementation  
Sardar Patel Bhavan,  
Sansad Marg, New Delhi-1
4. Mrs. Bharti Dutta, Under Secretary  
Ministry of Statistics & Programme Implementation  
Sardar Patel Bhavan,  
Sansad Marg, New Delhi-1

..Respondents

(By Advocate: Shri S.K.Gupta)

O R D E R (ORAL)

The applicant, who is an Under Secretary in the Ministry/Department of Statistics & Programme Implementation, had been using residential telephone facility during the course of his posting as Under Secretary in the Statistical Wing of the Ministry/Department. That facility was sanctioned to him by the Secretary of the Ministry/Department on 30.11.1999 and he availed of the same from an earlier date, namely, *from 2* 30.7.1999 right upto 30.4.2001 on which date he was

(2)

shifted to the Programme Implementation Wing of the same Ministry/Department. The bills relating to the residential telephone maintained by the applicant have been paid by the Statistical Wing of the Ministry/Department in respect of the aforesaid period. Having shifted over to the Programme Implementation side, wherefrom he was, in the first instance, shifted to the Statistical side, the applicant has started looking for the same facility once again even though, in terms of the extant rules, being an Under Secretary, he is not entitled to the said facility as a matter of right. He has made verbal representations in the matter without any success. No formal ~~and~~ written representation has been made by him so far. The applicant has advanced the plea that in terms of the office memorandum dated 2.4.1987 (Annexure A-7), all Group 'A' officers to the extent of 25% of their total number, are entitled to residential telephone facility and on calculation being made on that basis in respect the Ministry/Department as a whole, the applicant will be covered and would be entitled to be considered for allotment of the residential telephone facility. According to him, the respondent-authority has wrongly calculated on the basis of the strength of Group 'A' officers on the Programme Implementation side alone. For this purpose, according to him, the respondents should have taken into account the entire strength of Group 'A' officers in the Ministry/Department. He further contends that his predecessor in ~~the~~ office <sup>on</sup> the Programme Implementation side whose desk he has occupied, had been granted the aforesaid facility but he has been denied the same without any justification.

(3)

2. I have perused the aforesaid OM of 2.4.1987 which provides that:

"...Below the rank of Deputy Secretary not more than 25% of Group 'A' officers can be provided with residential telephones..."

The aforesaid provision, in my view, clearly lays down the outside limit upto which the facility of residential telephone can be extended. The same cannot mean that all the officers covered by the 25% limit will necessarily be granted the said facility. Thus, the matter has evidently been left to the discretion of the respondent-authority and it is for them to consider whether the applicant would be entitled to residential telephone facility on the ground that he has stepped into the shoes of an Under Secretary who used to enjoy the said facility. I find, however, that the applicant has not made any formal representation in the matter and has approached this Tribunal apparently without exhausting departmental remedies available to him. Viewed thus, the present application cannot be entertained in terms of ~~the~~ Section 20 of the Administrative Tribunals Act, 1985.

3. In the circumstances, the OA is dismissed with liberty to the applicant to make a formal representation before the appropriate authority. There shall be no order as to costs.



(S.A.T. Rizvi)  
Member (A)

/sunil/