

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No.1124/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Smt. Shanta Shastry, Member(A)

New Delhi, this the 19th day of April, 2000

Amal Kanti Kanjilal  
s/o Late Lalit Mohan Kannjilal  
a retired Central Govt.  
pensioner  
r/o Ganguly Bagan Govt. Qrs.  
Block No.16, Flat No.T-7  
Calcutta-700 047 and on behalf of  
all other central Govt. pensioners. .... Applicant

(None)

vs.

1. Union of India through  
Secretary  
Ministry of Personnel, Public  
Grievances and Pension  
Govt. of India,  
New Delhi - 110 001

2. Secretary  
Dept. of Telecommunication  
M/o Communication  
415, Sanchar Bhawan  
20 Ashoka Road  
New Delhi - 110 001

Secretary  
Dept. of Posts  
M/o Communication  
Dak Bhawan  
New Delhi - 110 001 .... Respondents

(By Shri Gajender Giri, Advocate)

ORDER (Oral)

By Reddy...J.

1. None appears for the applicant. The applicant had sent a letter stating that the matter could be decided on the basis of the pleadings on record. Heard the counsel for the respondents.

2. The applicant submits that the Government of India is providing a residential free telephone connection to certain category of officers in the Department of Telecommunication. They were allowed to continue the telephone connection on payment of

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monthly rent even after superannuation without any deposit of money as required as per rules. It is the case of the applicant that so long as the official was in service he could be provided the telephone connection but not after superannuation. The CCS (Pension) Rules are applicable to all the Central Government officials irrespective of the Ministry/Department and hence there is no ratio in granting the telephone facility to only to the pensioners of the ministry concerned, depriving the same facility to the other retired employees of the Central Government. The Department of Telecommunication came into existence w.e.f. 1.4.1985 and prior to that it was a combined department, namely, Department of Posts and Telegraphs under the Ministry of Communication. The applicant, therefore, seeks the relief for providing free telephone connection to all the Central Government pensioners irrespective of the Ministry/Department from which they retired.

3. In the reply affidavit the Government has taken the stand that under the circular dated 25.9.1998, the concessional telephone facility was given only to the Department of Telecommunication, in recognition of the long service put in by the DoT employees in the Department of Telecommunication as is being done by other Government Departments like Railways, Air India, Indian Airlines, etc. in respect of their employees. A clarification was also issued vide circular dated 31.12.1999 wherein it has been stated that the concessional telephone facilities are admissible only to the retired/retiring employees of the Department of Telecommunication. Learned counsel

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for the respondents submits that the service conditions of the employees of the Department of Telecommunication are governed by their own Rules and instructions.

4. We have perused the pleadings carefully and we are of the view that the applicant's plea is devoid of any substance. It is true that Department of Posts and Telegraphs and Department of Telecommunication were a combined service at one time but subsequently, these departments have been bifurcated and the Department of Telecommunication came into existence. After the Department of Telecommunication thus came into existence, the Government has framed the rules and issued other circulars with regard to the service conditions of the employees of the Department of Telecommunication. In recognition of the services of their employees when certain facilities are extended, it cannot be said that the same facilities should also be extended to all the employees of the Central Government. The Central Government comprises of many Departments/Ministries and the service conditions of the employees of the Departments/Ministries are governed by their own service Rules and circulars issued from time to time. The letter dated 25.9.1998, which is now referred to in this OA, regarding grant of concessional telephone facilities given to the employees of Department of Telecommunication clearly states that this facility was given in recognition of the long services put in by the employees of the Department of Telecommunication and to give a sense of satisfaction and belongingness to the organisation. The employees who had put in 20 years or more

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continuous service in DoT or having their last posting in DoT for at least one year before retirement are covered under the Scheme. In the circular dated 30.12.1999, it was clarified that the the concessional telephone facilities are admissible only to the retired/retiring employees of the Department of Telecommunication and Department of Telecommunication Services. However, the employees retired/retiring from the VSNL/HTL/ITI/P&T Audit/Department of Posts/WPC/TCIL and employees of other Departments other than DoT are not covered under the purview of the existing instructions. This is a policy decision taken by the concerned department. In exercise of judicial review jurisdiction we will not be right in directing the Central Government to extend the same facilities to the employees of other departments also. It is not in dispute that the service conditions of the employees are not the same in all departments of the Central Government. It is but desirable that should be left to the discretion of the concerned Ministry, in order to attract the best talent, as per the requirements, to frame rules or regulations and to issue circulars regarding service conditions of the employees. We are of the view that this will not amount to infraction of Article 14 or 16 of the Constitution of India. certain employees of the departments or ministries.

5. In view of the above discussion, we do not find any merit in the OA, the same is accordingly dismissed. No costs.

Shanta Shastray

(SMT. SHANTA SHASTRY)  
MEMBER(A)

/RAO/

Om Rajagopal Reddy

(V.RAJAGOPALA REDDY)  
VICE CHARIAMN(J)