



**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No. 1417/2020
M.A. No. 1776/2020
M.A. No. 1777/2020**

This the 30th day of September, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

1. All India BSNL, VRS DOT Employees Welfare Society, Regd. Office, H. No. 510/21, Gali No.4, Om Nagar, Gurugram-122001 (Haryana) Through President of the Society
2. Manoj Dwivedi, age above 57 yrs S/o Shri Jagdish Shankar Dwivedi A/7/7 MS Flat, Peshwa Road, New Delhi-110001.

...Applicants

(By Advocate: Shri Raj Singh)

VERSUS

1. Bharat Sanchar Nigam Ltd., Through its Chairman-Cum-Managing Director Bharat Sanchar Bhawan, Janpath, New Delhi-110001
2. Mahanagar Telephone Nigam Ltd., Through its Chairman-Cum-Managing Director 5th floor, Mahanagar Doorsanchar Sadan, 9 CGO Complex, Lodhi Road, New Delhi-110003
3. Director (HR), Bharat Sanchar Nigam Ltd., Bharat Sanchar Bhawan, Janpath, New Delhi-110001



4. Director (HR)
Mahanagar Telephone Nigam Ltd.,
Through its Chairman-Cum-Managing Director
5th floor, Mahanagar Doorsanchar Sadan,
9 CGO Complex, Lodhi Road, New Delhi-110003
5. ED, MTNL, Mumbai
15th Floor, Telephone House,
MTNL Marg, Dadar (West)
Mumbai-400023
6. ED, MTNL, Delhi
Eastern Court, Janpath,
New Delhi-110001
7. Chief General Manager/Estate Officer,
UP East Telecom Circle, Bharat Sanchar Nigam Ltd.,
Hazaratganj, Lucknow-226001.
8. Chief General Manager/Estate Officer,
Maharashtra Telecom Circle, Bharat Sanchar Nigam Limited, BSNL Complex, Administrative Building, Juhu Road, Santacruz (W), Mumbai-400054.
9. Chief General Manager/Estate Officer,
Chennai Telephones District, Bharat Sanchar Nigam Limited, 78, Purasawalkam High Road, Chennai-600010
10. Chief General Manager/Estate Officer,
Calcutta Telephones District, Bharat Sanchar Nigam Limited, 34 B B D Bag (South)
Telephone Bhawan, Kolkata-700001
11. Chief General Manager/Estate Office,
West Bengal Telecom Circle, Bharat Sanchar Nigam Limited, CTO Building, 1st Floor, 8 Red Cross Place, Opposite Telephone Bhawan, Kolkata-700001
12. Chief General Manager/Estate Office,
Bihar Telecom Circle, Bharat Sanchar Nigam Ltd.,
Sanchar Sadan, Budh Marg, Patna-800001
13. Chief General Manager/Estate Office,
Punjab Telecom Circle, Bharat Sanchar Nigam Ltd.,
Plot No. 2, Sanchar Sadan, Near Picadly Cinema,
Sector 34A, Chandigarh-160022
14. Chief General Manager/Estate Office,
Haryana Telecom Circle,



Bharat Sanchar Nigam Ltd.,
107, Mall Road, Ambala, Haryana-133001

15. Chief General Manager/Estate Office,
Odisha Telecom Circle, Bharat Sanchar Nigam Ltd.,
BSNL Bhawan, Ashok Nagar, Bhubaneswar-751009

...Respondents

(By Advocates: Shri R.V. Sinha for BSNL and Shri Arun Sangwal for MNL)

ORDER (Oral)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman:

The applicant No.1 is an Association of All India BSNL Employees, who have taken voluntary retirement. They filed this OA challenging the notices issued by the BSNL for vacation of the quarters allotted to the members of the association. They have also prayed for a direction to the respondents to permit such employees to retain the accommodation provided to them, as per the policy of the year 2011 and in terms of the VRS Scheme of 2019.

2. The applicants contend that the VRS Scheme itself provided for retention of the official accommodation on par with any other retired employee and according to the rules of 2011, it is permissible for retention of quarter upto two years by a retired employee. It is also mentioned that the responsible officers of BSNL and MTNL have assured that the employees who take VRS, will be permitted to retain the quarter, virtually without restrictions and on par with



the employees who retired on attaining the age of superannuation.

3. We heard Shri Raj Singh, learned counsel for the applicants, Shri R.V. Sinha, learned counsel for respondents – BSNL and Shri Arun Sangwal, learned counsel for the respondents - MTNL.

4. It appears that the respondents have permitted the employees who took VRS, to retain the quarters up to eight months and thereafter issued notices requiring them to vacate the quarters.

5. The applicants no doubt have raised several contentions and placed reliance upon various rules pertaining to the allotment and retention of official accommodation for the employees of MTNL and BSNL. The fact, however, remains that a serious impediment exists as to the jurisdiction of this Tribunal to entertain the OA. In

Smt. Babli And Anr. vs Govt. Of NCT Of Delhi And Ors.

in WP(C) 4652/2001, the Hon'ble High Court of Delhi rendered its judgment on 31.08.2001, held that providing of accommodation or matters connected therewith, do not come within the purview of "service conditions" and, accordingly, the Tribunal has no jurisdiction to adjudicate such issues. The said judgment was followed by this Tribunal in several cases to mention one, in **Neelam Mann**



v. Govt. of NCT of Delhi & Others in OA No.2510/2013

dated 26.04.2014.

6. In view of the above, we dismiss the OA as not maintainable and leave it open to the applicants to approach the remedies in accordance with law. Pending MAs, if any, shall stand disposed of. No costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/cc/jyoti/vandana/sd/