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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.478/90

New Delhi, This the 26th Day of July 1994

Hon'ble Shri P.T.Thiruvengadam, Member(A)

Shri O P Chadha
House No.20, Samrat Enclave
Delhi 110 034.

...Applicant

By Shri M Ranganathaswamy, Advocate

Vs

1. Union of India,
Through the Secretary
Ministry of Industry
Udyog Bhavan,
Rafi Marg,
New Delhi - 110 001.
2. The Secretary
Department of Company Affairs,
5th Floor, A Wing
Shastri Bhavan
Dr. Rajendra Prasad Road,
New Delhi. 110 001.
3. The Additional Secretary
Department of Pensions &
Pensioners' Welfare
Nirvachan Sadan
Patel Chowk
New Delhi 110 001.

...Respondents

By Shri N S Mehta , Advocate

O R D E R(oral)

Hon'ble Shri P.T.Thiruvengadam, Member(A)

1. The applicant was functioning as Deputy Director in the scale of Rs.3700-5000 from 1.1.86. It is his case that he should have been provided a residential telephone as per relevant instructions. In the absence of provision of such a telephone he had got a private telephone installed at his residence and claimed re-imbusement of installation charges and monthly charges. The telephone is said to have been installed some time in Mar 1988 and the claim has been made for the period the

applicant remained in service till 30 Nov 1988. This OA has been filed for a direction to the respondents to reimburse the expenditure incurred by the applicant in installation of telephone and payment of rental charges together with the interest thereon for the period upto Nov 88. The learned counsel for the applicant draws attention to the Ministry of Finance OM dated 2.4.87 which reads as under:

"Subject:- Economy in administrative expenditure of Government-provisions of residential telephones consequent on revision of pay scales.

The undersigned is directed to state that under the existing orders the facility of a residential telephone is generally restricted to officers of the rank of Deputy Secretary and above. Below the rank of Deputy Secretary not more than 25% of Group A officers can be provided with residential telephones. In other words, officers of the level of Deputy Secretary and above fall in the entitled category for the purpose of facility of residential telephone and the officers below this level belong to the non-entitled category.

The Government have notified Rs.3700-125-4,700-150-5,000 as the revised scale of pay for the post of Deputy Secretary. The same scales of pay has been notified for several other categories of posts/ services whose pre-revised scales were lower than that of the Deputy Secretary.

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A question, has therefore, arisen whether all the officers whose pay scales have been equated with that of the Deputy Secretary, may be extended with the facility of a residential telephone.

The matter has been carefully considered and it has been decided that officers in the Secretariat and Headquarters offices in the revised scale of pay of Rs.3700-125-4,700-150-5000 and above may be allowed the facility of residential telephone. In the case of field offices outside the Secretariat, proposals for providing residential telephone to officers in the pay scale of Rs.3700-125-4700-150-5000 and above will be examined and decided on merits by the Financial Advisers concerned. For Group A officers below the rank of Deputy Secretary, the provision of residential telephone will continue to be restricted to 25% of the number of such officers.

The Ministry of Home Affairs, etc, are requested to bring the above instructions to the notice of all concerned under then."

It was ~~vehemently~~ ^{vehemently} argued that the provision of telephone is mandatory in the case of the applicant since he was working in the scale of Rs.3700-5000. Since the respondents failed to discharge their responsibilities the applicant on his own got installed a private telephone in his residence and hence the claim for reimbursement.

2 On the other hand the learned counsel for the respondents argued that as per instructions the residential telephone may be allotted and that

such a provision is not a right to the concerned officer. It was added that the applicant had never made a request for residential telephone and for the first time he approached the respondents in August 88 for the reimbursement of the charges in respect of the personal telephone which has been installed at his residence. Provision of residential telephone is not one of the service conditions or a fundamental right of the Government servant and it is only a facility provided by the Government in view of functional necessity of the officer concerned.

3. Having heard both the counsels I am ^{/not} convinced that ~~the~~ telephone is to be provided as a mandatory provision at the residence of officers who are eligible for such provision. While efforts would be made by the employer to provide the telephone the provision as such cannot be claimed as a right. Even the instructions relied upon only stipulate that a telephone may be allowed with reference to the officers specified. I also note the applicant did not pursue for the provision of ^{/a} telephone in his residence but on his own installed a private telephone and approached the respondents for the first time in Aug 88 for reimbursement. I agree with the stand of the respondents that provision of telephone is only a facility and cannot be claimed as a fundamental right.

4. Under the circumstances the OA is dismissed.
No costs.

P. T. Thiruvengadam
(P.T.Thiruvengadam) 28/7/84
Member(A)

LCP