

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.483/2012

.....*Wednesday*, this the...*17<sup>th</sup>*..... day of July, 2013.

CORAM

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER**  
**HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

1. M.Chandrasekharan Nair, age 68 years  
S/o K.Madhavan Pillai  
Kausthubham, Convent Road  
Pravachambalam, Nemom PO  
Thiruvananthapuram-695 020.  
(Retd as Senior Supdt of Post Offices,  
Kozhikode Division, Kerala Circle)
2. K.Vasudevan Achari, age 68 years  
S/o Kunchu Achari  
TC 23/939-4, Anisham, Ettuveedu Lane,  
Valiasala, Thiruvananthapuram-695 036.  
(Retd as AsstPost Master General,  
Office of Chief PMG, Kerala Circle)
3. A. Balakrishnan, age 69 years  
S/o K.Ayyappan  
TC 11/905(1) Devaswam Lane  
F-20, Kesavadasapuram, Pattom Palace PO  
Thiruvananthapuram-695 004.  
(Retd as Senior Supdt of Post Offices).
4. G.Gopinathan Pillai, age 66 years  
S/o K.Gopalan Nair  
Vadakkekara Valiaveettil,  
Kala West, Mannady PO-691 530  
(Retd as Supdt of Post Offices).
5. M.V.Damodaran Nambiar, age 67 years  
S/o Krishnan Nambiar  
Shreyas, Cheleri Post, Kannadi Paramba  
Kannur-670 604  
Retd as Supdt. Of Post Offices Lakshadweep Division).
6. P.Rajagopalan, age 68 years  
S/o P.K.Palani, Ragam, TC 30/1609(1),  
Pallimukku, Pettah, Thiruvananthapuram-695 024  
(Retd as Asst Post Master General, Kerala).

7. K.P.Valsan, age 65 years  
S/o Kunhappa Nambiar  
Valsalyam, Kottooly Post  
Kozhikode-673 016  
(Retd as Senior Supdt of Post Offices)
8. T.R.Ramakrishnan Nair, age 71 years  
S/o Raman Nair  
Athulya, TC 6/637, Vattiyoorkavu Post  
Thiruvananthapuram-695 013  
(Retd as Senior Supdt of Post Offices)
9. E.Nanu, age 69 years  
S/o Chathu, Udayasree House  
Manantheri Post (via)  
Koothuparambu-670 643  
Kannur District  
(Retd as Supdt of Post Offices, Thalassery Division).
10. P.Vijayan, age 76 years  
S/o P.Unichaman  
Pearl West Avenue Housing Complex  
West Hill, Kozhikode-673 005  
(Retd as Supdt of Post offices)
11. N.Gopalakrishnan, age 72 years  
S/o K.Narayanan  
Prasanthi, C-9, CTO Colony  
Pappanamcode, Thiruvananthapuram-695 018  
(Retd as Senior Supdt Railway Mail Service)
12. M.Sukumaran, age 73 years  
S/o K.Madhavan, Karthika, RLRA-164  
Radhakrishna Lane  
Peroorkada, Thiruvananthapuram-695 005.  
(Retd as Senior Supdt of Post Offices)
13. P.N.Ravindra Kurup, age 68 years  
S/o K.P.Damodara Kurup  
Revathy, Karalacom Ward  
Avalukkunnu Post  
Alappuzha-688 006  
(Retd as Senior Suptdt of Post Offices)
14. K.Balakrishnan, age 71 years  
S/o Kunjukunju  
Anup Niwas, Pannivisha, Adur, Kerala-691 523
15. P.D.John, age 68 years  
S/o G.Daniel  
Padippurayil, Vayala



Parakkode-691 554  
(Retd as Senior Supdt of Post Offices)

Applicants

(By Advocate: Mr.T.C. Govindaswamy)

Versus

1. Union of India represented by  
the Secretary to Govt of India  
Ministry of Communications & IT  
Department of Telecommunications  
1409, Sanchar Bhavan, 20 Ashoka Road  
New Delhi-110 001.
2. The Chief General Manager  
Bharat Sanchar Nigam Limited  
Kerala Circle  
Thiruvananthapuram-695 033.
3. The Chief Postmaster General of Kerala  
Thiruvananthapuram-695 033
4. The Controller of Communication Accounts  
Department of Telecom Kerala Circle  
Office of the Chief General Manager  
BSNL Kerala Circle  
Thiruvananthapuram-695 033.

Respondents

(By Advocate: Ms.Deepthy Mary Varghese for R1,3 & 4)  
(Mr.N.Nagresh for R2)

This Original Application having been heard on 14<sup>th</sup> June, 2013, the Tribunal on 17.7.13 delivered the following:-

ORDER

**HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER**

Applicants in this OA (15 in numbers) had put in more than 20 years of service in the combined Posts & Telegraph Department as on 1.4.1985 and later on they served in the Postal Department. All of them are in their late 60s or early 70s. They have claimed concessional telephone facility from BSNL but the same has been refused by the respondent BSNL on the ground that the rules provide for such facilities only in respect of those who had put in 20 years of service in the DoT. Since the applicants served only in the Postal Department, they are not eligible for the said concession. The applicants have, therefore, filed this OA seeking the following relief:-

- a) *Call for the records leading to the issue of Annexure A1 to A3 and quash the same.*
- b) *Declare that the applicants who had more than 20 years of service in the erstwhile P&T Department are entitled to the concessional telephone facilities as provided for in Annexure A-5 and direct the respondents accordingly.*
- c) *Direct the respondents to provide concessional telephone facilities as provided for in Annexure A-5 to the applicants forthwith with retrospective benefits.*
- d) *Award costs of and incidental to this application;*
- e) *Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.*

2. The respondents have contested the OA. Respondents 1, 3 and 4 have filed a separate reply while respondent No.2 filed another separate reply. Respondents 1, 3 & 4 through their reply statement submitted that the concessional facilities earlier granted were in respect of certain individuals who had moved this Tribunal. Otherwise, vide Annexure R-2 dated December 30, 1999, the concessional telephone facilities are not admissible to retired/retiring employees of VSNL/HTL/ITI/P&T Audit/Department of Posts/WPC/TCIL and employees of other departments than the DoT. Clarification with regard to point at Sl.No.8 of the said Annexure R-2 dated 30.12.1999 refers.

3. So far as respondent No.2 is concerned, the said respondent too has relied upon the aforesaid order dated 30.12.1999. It has also been stated that after formation of BSNL w.e.f. 1.10.2000, user pay principle in respect of services provided on reciprocal basis between Department of Posts and BSNL has been implemented w.e.f. 1.10.2011. With effect from the said date, the Postal Department has been providing services to BSNL on payment basis and vice versa.

4. Counsel for the applicants argued that earlier vide the following decisions, the erstwhile postal employees were held eligible for concessional telephone facilities subject to fulfillment of the condition of 20 years of service in the pre-bifurcated P&T Department:-

- a) J.P.Kaushik Vs. UOI (OA No.1369/10 decided on 23.10.2001 – 2002 (1) ATJ- page 589).
- b) The Association of All India Central Govt. Pensioners, Orissa Circle,

Cuttack & another Vs. UOI & others- (OA No.409/02 of the Cuttack Bench decided on 1.2.2003. - 2004 (2) ATJ 291.

- c) Dr.M.S.Sachdeva D.H.M.S. Vs. UOI & another -OA No.2129/2004 of the Principal Bench, decided on 4.3.2005 (this order has been upheld by the High Court in WP (Civil) No.13265 of 2005 decided on 4.9.2008).
- d) Atma Singh & Ors Vs. UOI & Ors- OA No.137-HR of 2011, decided on 1.6.11.
- e) Pensioners of P&T Vs. UOI & others - OA No.572-HR of 2012 decided on 20.7.2012.

5. Counsel for the respondents submitted that the order dated December 30, 1999 is specific and, therefore, does not call for any change. Counsel for BSNL, however, stated that in so far as BSNL is concerned, for any concessional facility, the parent Department (Postal Department) undertakes to make the payment and BSNL may not have much objection when reciprocal arrangement is in place.

6. Arguments were heard and documents perused.

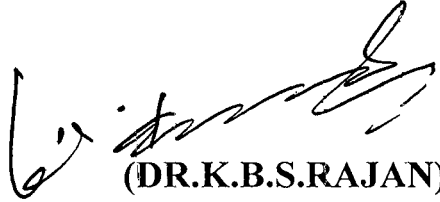
7. Notwithstanding the fact of earlier order of the DoT of the year 1999, the Full Bench has clearly dealt with the clarification in Para 9 & 10 of the judgment and came to the conclusion that the requisite 20 years of service could be reckoned in respect of services rendered in the erstwhile P&T Department as well. Thus, the case of the applicants falls squarely under the Full Bench judgment making them eligible for post retirement concessional facilities of telephone.

8. The only question which may have to be considered at this juncture is whether expenditure involved should be borne by the Postal Department or BSNL. It has been stated by the BSNL that there is reciprocal arrangement available which has been effective from 2001 onwards. If so, the BSNL may liaise with the postal Department in this regard and claim the difference of expenditure between concessional and normal charges. In so far as the applicants are concerned, they are entitled to concessional rate of telephone

facilities irrespective of whether the difference is made good by the Postal Department or BSNL. The OA is thus allowed. The respondents are directed to afford the concessional facilities of telephone in respect of all the applicants within a period of four months from the communication of this order. No costs.



**(K. GEORGE JOSEPH)**  
ADMINISTRATIVE MEMBER



**(DR. K. B. S. RAJAN)**  
JUDICIAL MEMBER

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