

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 328/2003

Thursday this the 17th day of April, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Mariamma.F.  
Assistant Accounts Officer  
W/o James K.C.  
Office of the G.M.T.D.  
BSNL, Kollam

Applicant

(By advocate Mr. Visnhu S.Chempazhanthiyil)

Versus

1. Chief Accounts officer (TR)  
Office of the G.M.T.D.  
BSNL, Kollam.
2. General Manager  
Telecom District  
BSNL. Kollam.
3. Chief General Manager Telecom  
BSNL, Kerala Circle  
Thiruvananthapuram.
4. Bharat Sanchar Nigam Ltd.,  
rep. by its Chairman, New Delhi.
5. Union of India rep. by its  
Secretary  
Ministry of Communications  
New Delhi.

Respondents.

(By advocate Mrs. P.Vani, ACGSC)

The application having been heard on 17th April, 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant, who is presently working as Assistant Accounts Officer in the office of the General Manager, Telecom District (G.M.T.D.), Kollam, while working as telephone operator, got enrolled in Territorial Army in 1995. One of the incentive available to departmental employees who join Territorial Army was the facility of residential service telephone. The applicant was provided with a residential telephone. She was entitled to make

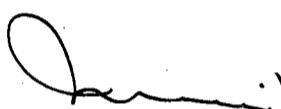
1150 free calls bi-monthly. She got promoted as Junior Accounts Officer in 1997 and was posted at Ahmedabad SSA in Gujarat Circle. Since her children were studying at Kollam, the applicant got the residential telephone at Kollam retained. She got transferred back to Kollam in the year 1998. However, she was served with A-2 memo dated 5.2.2003 informing her that for the period 1995-2000, a sum of Rs.15,400 was due from her as excess telephone call charges and if the same be not paid, further action would be taken. She was served with A-3 bill amounting to a sum of Rs.15,400 and was also served with A-5 order dated 1st April, 2003 informing her that if the amount covered by the bill be not paid on or before 15.4.2003, the telephone connection would be disconnected. Aggrieved, the applicant has filed this application seeking to set aside A-2, A-3 and A-5. It has been alleged in the application that if the 1150 free calls allowed during bi-monthly period be added up, the cash equivalent would cover the entire amount under the bill and there is no justification in recovering the amount from her. Explaining all these, the applicant made A-6 representation dated 9.4.2003 to the 3rd respondent, which has not been considered and disposed of.

2. When the application came up for hearing today, the learned counsel of the applicant submitted that the applicant would be satisfied if the 3rd respondent is directed to consider the A-6 representation and to give the applicant an appropriate order, keeping the decision to disconnect the residential phone of the applicant in abeyance till an order on the representation is served on her. Learned counsel of the respondents has no objection in disposing of the OA with such a direction.

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3. In the light of the submissions made by the learned counsel on either side, without going into the merit of the case, we dispose of this application directing the 3rd respondent to consider the A-6 representation of the applicant and give her an appropriate reply within a reasonable time. We also direct that till an order in reply on A6 representation is served on the applicant, the residential telephone of the applicant shall not be disconnected. No order as to costs.

Dated 17th April. 2003.

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

aa.

  
A.V. HARI DASAN  
VICE CHAIRMAN