

THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH, JAIPUR ORDER SHEET

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APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

*Copy
to Registry
filed
e*

07.02.2006

OA No. 64/2006

Mr. P.N. Jatti, Proxy counsel for
Mr. C.B. Sharma, Counsel for applicant.
Mr. Gaurav Jain, Counsel for respondents.

On the request of the Proxy counsel for the applicant, let
the matter be listed on 13.03.2007.

[Signature]
(J.P. SHUKLA)
MEMBER (A)

13.3.2007

Mr. C.B. Sharma, Counsel for applicant
Mr. Gaurav Jain, Counsel for respondents

Heard. The OA is disposed of by a
separate order, for the reasons dictated
therein.

[Signature]
(Kuldip Singh)
V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 13th day of March, 2007

ORIGINAL APPLICATION No. 64/2006

CORAM:

HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN

Dr. B.Jena
s/o Shri D.C.Jena,
aged about 59 years,
r/o 10, Vinayak Complex,
Nasiya Ji Jain Mandir Road,
Dadabari Extension,
Kota and presently working
as Chief Medical Officer,
P&T Dispensary, Kota.

.. Applicant

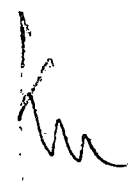
(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India through its
Secretary to the Government of India,
Department of Posts,
Ministry of Communication & Information
Technology,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Principal Chief Post Master General,
Rajasthan Circle,
Jaipur
3. Post Master General Rajasthan,
Southern Region,
Ajmer.

.. Respondents

(By Advocate: Shri Gaurav Jain)

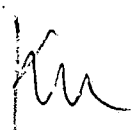


O R D E R (ORAL)

The applicant has filed this OA seeking following reliefs:-

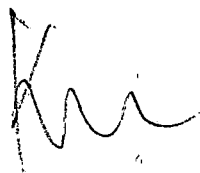
- “(i) That respondents be directed to reimburse expenditure incurred by the applicant towards telephone facilities at his residence from March, 2005 and expenditure towards Mobile phone maintain for official duties since April, 2005 as per bills submitted by the applicant along with interest at the market rate till providing facility of telephone by the department at residence as well as in the office.
- (ii) That the respondent be further directed to settle the bills of the period prior to disconnection with the Bharat Sanchar Nigam Limited as settled in the past.”

2. The facts, as alleged by the applicant, in brief are that the applicant is working as substantive employee of the Government of India in the capacity of Chief Medical Officer Incharge, Postal Dispensary, Kota. The Dispensary is running under the Postal Department. It is stated that prior to formation of Bharat Sanchar Nigam Limited (BSNL), the Department of Posts was managing the postal articles of the then Department of Telecom and the Telecom Department was providing facilities of telephone to the offices of Postal Department and also at the residence of eligible staff. The bills were sent by the Department of Telecom addressed to the Postal Department with the mark 'departmental' without any amount being paid. It is further submitted that the applicant is now working in the cadre of Junior Administrative Grade and is eligible for telephone connection at his residence on the cost of Department as this facility is available



to the Medical Officers since long, but suddenly the BSNL authorities disconnected the telephone facility w.e.f. 12th January, 2005 and also demanded payment of earlier bills which were marked as 'departmental' for which the applicant vide letter dated 23rd February, 2005 apprised the BSNL authorities as well as respondent No.3 vide Annexure-A/1.

The telephone connection at the residence of the applicant was disconnected on 12th January, 2005 and further the telephone connection provided at the dispensary was also disconnected on 20th February, 2005. Thereafter the applicant installed a land line telephone at his residence and also got connection of Mobile phone for maintaining liaison with the departmental authorities and also with the patients. The applicant then made a request to respondent No.3 for reimbursement of telephone bills. It is further submitted that the respondents vide letter dated 26th August, 2005 informed the applicant that limit of telephone bill for residence has been fixed as Rs. 1000/- per month. However, the applicant is claiming reimbursement of landline telephone bill as well as mobile phone bills used for official purpose. The respondent No.3 is stated to be not allowing reimbursement to the applicant ^{despite} ~~instead~~ of the fact that the applicant has apprised with the situation from time to time.



3. The respondents contesting the OA have submitted that as per the Office Memorandum issued by the Department of Posts vide Ann.R/4, the applicant is entitled to a sum of Rs. 1000/- per month for residential telephone facility which is being provided by the respondents. However, the Department is silent about the Mobile telephone being used by the applicant. The Department has also submitted that the applicant has not exhausted the remedies available in the Department to solve his grievance. He could approach the higher authorities for his grievance, but he has not done so far.

4. I have heard the learned counsel for the parties and gone through the record.

5. At the outset, it may be mentioned that the applicant has himself stated in the OA that this application is not made against any written order and the same is made against arbitrary, illegal and unjustified action of respondents in connection with not allowing reimbursement of expenditure towards telephone connection at residence as well as Mobile telephone, which he has obtained for official use. Since both the parties have stated that no representation has been made by the applicant before approaching this Tribunal and the Department has

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stated that from the day the telephone has been disconnected they are willing to reimburse the expenditure to the applicant for his residential telephone within the ceiling limit as provided in the Office Memorandum i.e. Rs. 1000/- per month, but so far as the mobile telephone is concerned, reply is silent to that effect. In these circumstances, I find that even the representation made to the respondents is not quite comprehensive, I direct that the applicant may make a representation in a comprehensive manner to the higher authorities within 15 days from the date of receipt of copy of this order and the Department shall decide representation of the applicant within two months from the date of receipt of the same. If any grievance survives thereafter, the applicant is free to approach this Court.

6. The OA is disposed of accordingly with no order as to costs.


(KULDIP SINGH)

VICE CHAIRMAN

R/