

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 2630/2003

New Delhi, this the 10th day of August, 2004

HON'BLE MR. SARWESHWAR JHA, MEMBER (A)

Dr. A.K. Belwal,
137, Sukhdev Vihar,
P.O. Jamia Nagar,
New Delhi – 110 025
(By Applicant in person) ... Applicant

Versus

1. Secretary, Tariff Commission,
Lok Nayak Bhawan, 7th Floor,
Khan Market, New Delhi – 110 003
2. Shri Shamshul Haq,
Section Officer, Tariff Commission,
Lok Nayak Bhawan, 9th Floor,
Khan Market, New Delhi – 110 003
3. Shri Jitender Kumar,
Protocol Assistant, 12th Finance Commission,
Jawahar Vyapar Kendra,
16th Floor, Janpath,
New Delhi
(Former Clerk Tariff Commission)
4. The Pay & Accounts officer,
Dept. Of IP & P, Udyog Bhawan,
New Delhi – 110 001
5. The Additional Secretary,
Financial Advisor, Deptt. Of IP & P,
Udyog Bhawan, New Delhi – 110 001
6. The Additional Secretary,
Financial Advisor,
(Dealing with Tariff Commission),
Department of Expenditure,
North Block, New Delhi-110 001
7. Shri M.K.ruah, IAS,
Principal Secretary (Finance),
Govt. of Delhi,
Delhi Govt. Secretariat,
I.P. Estate,
With requestjk to vouch for my request for Telephone as
Former Member Secretary, Tariff Commission)
8. Dr. V.K. Agnihotri, IAS,
Secretary,
Ministry of Parliamentary Affairs,
Lok Sabha Annexe,

Parliament Street, New Delhi, with the request to give A counter Affidavit that I made this request to him ask former Chairman, Tariff Commission in November, 2002. He was willing to write to the concerned authorities for condoning delay but the dealing hands in Administration did not submit the papers to him.

... Respondents

(By Advocate : Shri R.V. Sinha)

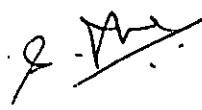
O R D E R (Oral)

By Sarweshwar Jha, A.M. :

This application has been filed seeking reimbursement of expenditure on telephone at the residence of the applicant from March, 1996 to February, 2002. The applicant has submitted that he has been deprived of a telephone facility at his residence for the last six years in spite of the fact that he has been an entitled officer for the purpose for several years.

2. The applicant is a senior officer of the Indian Economic Service working as Advisor, Tariff Commission w.e.f. March, 1996. As he was entitled for telephone facility at his residence from the date he had joined the Tariff Commission, he has been making requests to the Administration for reimbursement of telephone expenses incurred at his residence. His grievance is that the respondents, despite his repeated requests, did not attend to the matter. From the facts as submitted by him, it is observed that an official telephone was never installed at his residence and, instead, he has been using his private telephone. He has admitted that he could not put up the matter regarding installation of a telephone at his residence or reimbursement of expenses on the private telephone in lieu thereof earlier, as he was always under pressure of office work and he could not find time to pursue his personal matters. He has made a reference to his having raised this matter before the Member Secretary of the Tariff Commission and also before the former Chairman of the said Commission. A representation highlighting the above facts has also been submitted by him on 24.11.2003.

3. The applicant seems to have approached the authorities concerned in several other matters relating to payment of medical bills, telephone bills, traveling allowance bill, etc. as is apparent from the letter dated 7.10.2003 which is addressed to different authorities. He has also approached the Tribunal on some of the subjects. From what has been submitted by the applicant, it is observed that he has been faced with a number of



administrative problems in regard to the various aspects like the ones as mentioned above and has been approaching the different for a for redrassal of his problems/grievances.

4. The respondents in their reply have, however, submitted that the subject matter of the application is barred by limitation under Section 21 (A) of the Administrative Tribunals Act, 1985. They have found fault with him in having submitted his telephone bills 4 – 5 years ago and having failed to follow them up. In their opinion, the applicant kept on sleeping over his grievances for all these years. Somehow this view of the respondents is not appreciated, as no one aggrieved by a problem is expected to be sleeping over the said problem and if he does so he gives a reason for that which the applicant seems to have done in this case. They have also not found the documents, which the applicant has submitted in support of his claim, as substantive.

5. On the facts of the case, they have admitted that official telephone could not be made available to him at his residence due to non-availability of sufficient number of telephone connections with the Commission. According to them, telephone connection is provided subject to availability. As regards non-payment of the telephone bills in respect of the connection in the name of his father, they have taken the position that the same could not be done because the telephone did not stand in his name. The applicant was advised to get the telephone transferred in his name so that the bills could be processed for reimbursement. The applicant does not seem to have done the needful. They have refuted the allegation of the applicant that they did not process the papers for reimbursement of the telephone bills and also that they did not initiate any action for installation of a telephone at his residence. They have blamed the applicant for the omissions, if any, in the matter. They have also blamed him for taking a position that he was not aware of the rules and procedures regarding reimbursement of telephone bills or any other bills. The applicant himself was responsible for the delay in submitting his claims. They also do not find any justification in his seeking condonation of delay in filing the OA.

6. The applicant has disputed the submissions made by the respondents through his rejoinder and reiterated most of the facts earlier submitted by him in the OA. He has referred to a certificate as issued in this regard by Shri M.K. Bezboruah, who was former Member-Secretary of the Tariff Commission at its initial stage in which it has been

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certified that the applicant had made some representations requesting reimbursement of telephone expenditure at his residence (the telephone was in the name of his father living under the same roof). There are some other facts in the said Certificate regarding TA Bills, which is not the subject matter of the present OA.

7. On closer examination of the facts as have been submitted by both the sides, it is observed that it is a case of an officer of the entitled category claiming reimbursement of private telephone charges installed at his residence when he had not been provided with an official telephone at his residence for reasons of non-availability of sufficient connections with the respondents. It is quite surprising that the applicant was not provided with an official telephone for six long years at his residence nor was he permitted reimbursement of expenditure on the telephone that was available with him at his residence though it was in the name of his father. It is equally amazing that the said telephone was not got transferred in his own name as directed by the respondents, which would have settled the matter. It appears that the applicant was too busy in his administrative work, as submitted by him. While this kind of position cannot be accepted, the Administration also has to proceed in the matter as per rules and procedure. It remains a fact that an officer at the level of the applicant should have been given an official telephone at his residence. It also has to be admitted that he used the telephone as was in the name of his father for his official purposes and he apprised the administration of the same, while seeking reimbursement. Now, at this stage, there is no point in finding fault with each other and it would be desirable to admit that the officer was entitled to get an official telephone at his residence, and as the same was not provided, he used the phone in the name of his father for official purposes instead and claimed reimbursement for it. It would be advisable that the matter, as requested by the applicant, be processed even at this late stage making an exemption to the official requirement that the telephone should be in the name of the applicant in consultation with the appropriate authorities including the Finance Division of the Ministry as well as the Ministry of Finance, if necessary, and the needful is done. The endeavour of the respondents should be to resolve the matter instead of out-rightly rejecting the prayers of the applicant on one ground or the other.

8. Having regard to the above, this OA is disposed of with a direction to the respondents to consider allowing reimbursement of the telephone expenses as incurred by

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the applicant during the period March, 1996 to February, 2002 keeping in view the above observations and also ensuring that the relevant rules and instructions are followed while so considering the matter. The respondents are further directed to comply with the above order within a period of three months from the date of receipt of a copy of this order. No costs.



(Sarweshwar Jha)
Member (A)

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