CENTRAL ADMINISTRATIVE TRIBUNAL ERNAKULAM BENCH

Original Application No.180/00451/2024 & Original Application No.180/00527/2024

Monday this the 27th day of January 2025

CORAM:

HON'BLE Mr.JUSTICE SUNIL THOMAS, JUDICIAL MEMBER HON'BLE Ms.V.RAMA MATHEW, ADMINISTRATIVE MEMBER

Original Application No.180/00451/2024

P.C.Kunjappan,
Aged 81 years,
S/o.late Devassia,
Retired Divisional Engineer,
Phones, Ernakulam, BSNL.
Residing at Kochuchirayil, K.K.Road,
Chembumukku, Thrikkakara, Kochi – 682 021.

...Applicant

(By Advocates Mr.Shafik.M.Abdulkhadir & Mr.Sherin Riyaz)

versus

- 1. The Chief General Manager, Telecom, BSNL, Kerala Circle, Thiruvananthapuram 695 022.
- 2. The Principal General Manager, Telecom, Bharat Sanchar Nigam Limited, Trivandrum 695 033.
- 3. The Sub Divisional Engineer,
 O/o.the Divisional Engineer,
 Kakkanad, Bharat Sanchar Nigam Ltd.,
 Ernakulam 686 001.

...Respondents

(By Advocate Mr.P.Muraleedharan [R1-3])

Original Application No.180/00527/2024

T.N.Peethambaran, Aged 79 years, S/o.Narayanan, Retired Divisional Engineer, Phones, Kottayam, BSNL. Residing at Arunapuram House, N.E.Ward, Vaikom – 686 141.

...Applicant

(By Advocate Mr.Shafik.M.Abdulkhadir & Mrs.Girija.P)

versus

- 1. The Chief General Manager, Telecom, Kerala Circle, Thiruvananthapuram – 695 022.
- 2. The Principal General Manager, Telecom, Bharat Sanchar Nigam Limited, Kottayam 682 016.
- 3. The Sub Divisional Engineer (BBM), Bharat Sanchar Nigam Ltd., Vaikom – 686 141.

...Respondents

(By Advocate Mr.George Kuruvila)

These applications having been heard on $21^{\rm st}$ January, 2025 the Tribunal on $27^{\rm th}$ January 2025 delivered the following :

ORDER

HON'BLE Ms.V.RAMA MATHEW, ADMINISTRATIVE MEMBER

Since the issue involved in both these case are similar, they are being considered and disposed of by this common order. -3-

2. The applicants in both these case are retired Divisional Engineer of

Bharat Sanchar Nigam Limited (BSNL). They are granted a service

telephone as per the facility granted to retired officials of the Department

of Telecommunications (DoT). This facility is of a rent free landline

telephone with 1000 free calls bimonthly. If the calls exceed the said

limit, the calls are chargeable. Both the applicants are octogenarian who

are not used to modern telecom facilities and are fully dependant on the

said facility. From 01.06.2024 the said telephone was disconnected and

on inquiry with the 3rd respondent, they were informed that the entire

mechanism is being upgraded and advised them that they avail of the said

connection by payment of bill to the BSNL.

3. We have heard both sides in extenso. Essentially the issue boils

down to whether the facility which was granted to the applicants on their

retirement from the DoT prior to the take over by the BSNL and part of

the continuing facility extended to the retiree of the DoT on the

formation of BSNL could be withdrawn by virtue of an executive

direction issued by the BSNL vide their communication produced as

Annexure R-1(c) wherein it has been clarified that for retired BSNL/DoT

employees GSM postpaid plan 199 with unlimited voice is being

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provided free of cost in lieu of CTC and therefore no FTTH connection is

to be provided. As an alternative, concessional FTTH plans priced at

Rs.595/- or above with a 40% concession and a ceiling of Rs.300/- on the

concessional amount was offered vide BSNLCO-ADMN/80/1/2020-

ADMN dated 19.01.2024.

4. It has been argued by the respondents that since alternative facility

has been provided they are not acting in violation of any rights conferred

upon the applicants at the time of their retirement. It has also been

argued by the respondents that it was no longer technically feasible to

provide copper cable connection to the applicants and that the FTTH

connection which is sought to be provided is an optical fibre connection

which includes voice as well as data connectivity and hence could not be

offered free of cost which is why the concessional plan has been

provided. The applicants have rejected the facility of GSM postpaid 199

plan having free unlimited voice calls with Rs.2000/- for the handset on

the ground that they are unfamiliar with the use of mobile phone and

could not be comfortable with that and would prefer the restoration of the

landline connectivity. It is also noticed that the concessional FTTH plan

which is being offered priced at 595/- or above with a 40% concession

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and a ceiling of Rs.300/- on the concessional amount. It has been

submitted by the respondents during the course of argument that the

applicants could claim reimbursement on payment of bills of the FTTH

Scheme up to the limit indicated. On inquiry it was also clarified that the

data facility under the FTTH plan would have to be enabled by the

BSNL. Under these circumstances the argument that conversion to

FTTH connection which includes data facility is more beneficial is not

acceptable. All that is required to be done is restoration of service

connection and not enabling the data connectivity on phones provided to

retired employees except on their request in which case the concessional

plan as suggested by the BSNL would apply.

5. The matter was recalled 'for being spoken to' at the request of

the learned counsel for the respondents. Learned counsel for the

respondents submitted that very clearly as per Annexure A-3 Pension

Payment Book the applicants were BSNL employees and that the

Annexure A-2 document based on which the facility was sought was

intended for retired DoT employees and the applicants were only eligible

for facilities as per Annxure R-3(a)(2) document and Annexure R-3(b)

for DoT retirees was to be billed. The applicants reiterated that their

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Pension Payment Book was issued by the Government of India and,

therefore, Annexure A-2 document would be applicable and the facilities

which is being offered is not free. It was also pointed out that the

applicants did not demand FTTH facility but only a voice call facility

which was available with the BSNL. The argument of the learned

counsel for the respondents that this would impose a heavy cost upon the

BSNL as this was now an outsourced activity cannot be a concern for the

employees.

6. Since the only question to be addressed here is whether the

facility which is already available to the retirees, as a part of

their retirement benefit, could be subsequently withdrawn on the basis

of an executive order and the answer to that being clearly 'No',

it is directed that the BSNL should restore the telephone connection

under whatever available technology to the applicants forthwith on

the terms allowed to them at the time of their retirement and in any

case within a period of one month from the date of receipt of a copy of

this order.

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(Dated this the 27th day of January, 2025)

V.RAMA MATHEW ADMINISTRATIVE MEMBER JUSTICE SUNIL THOMAS JUDICIAL MEMBER

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List of Annexures in O.A.No.180/00451/2024

- 1. Annexure A-1 A copy of the Letter No.2-79/94-PHA dated 25.09.1998 issued by the Department of Telecommunications.
- 2. Annexure A-2 A copy of the relevant pages of the Pension Payment Book of the applicant.
- **3.** Annexure A-3 A copy of the Representation dated 28.07.2024 submitted before the 2^{nd} respondent.
- **4. Annexure A-4** A copy of the Representation dated 03.08.2024 submitted before the 1st respondent.
- **5. Annexure R-1(a)** A copy of the Circular No.BSNL CO-ADMN/80/1/2020-ADMN dated 19.07.2024.
- **6. Annexure R-1(b)** A copy of the Circular No.11/2007-PHA dated 20.07.2007.
- 7. Annexure R-1(c) A copy of the Circular No.BSNLCO-ADMN/80/1/2020-ADMN dated 16.05.2024.

List of Annexures in O.A.No.180/00527/2024

- **1.** Annexure A-1 A copy of the Letter No.Nil dated 19.09.2024 issued by the 3^{rd} respondent.
- **2. Annexure A-2** A copy of the Letter No.2-79/94-PHA dated 25.09.1998 issued by the Department of Telecommunications.
- 3. Annexure A-3 A copy of the relevant pages of the Pension Payment Book of the applicant.
- **4. Annexure A-4** A copy of the Representation dated 25.09.2024 submitted before the 1st respondent.
- **5.** Annexure R-3(a) A copy of the Circular No.01/2024-PHA of the BSNL Co., dated 19.01.2024.

6. Annexure R-3(b) – A copy of the Order No.BSNLCO-ADMN/80/1/2020-ADMN dated 09.09.2024.