

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00451/2024

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Original Application No.180/00527/2024

Monday this the 27th day of January 2025

C O R A M :

**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)

v e r s u s

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)

v e r s u s

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 21st January, 2025 the Tribunal on 27th 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.

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

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

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 Annexure R-3(a)(2) document and Annexure R-3(b) for DoT retirees was to be billed. The applicants reiterated that their

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.

7. In the light of the above, the O.As are allowed. No order as to costs.

(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 2nd 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 3rd 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.
