

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/00033/2019

DATED THIS THE 29th DAY OF JANUARY, 2020

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V.SANKAR**

**...MEMBER(J)
...MEMBER(A)**

Ravindranath Narendranath Padukone,
S/o Shri NS Padukone,
Aged about 67 years,
Residing at No.505, Chitrapur,
CHS, 15th Cross, 8th Main,
Malleshwaram,
Bengaluru-055.Applicant.

(By Advocate M/s Sreevatsa Associates)

V/s.

Union of India
Through Secretary (Telecom),
Ministry of Communications & IT,
Sanchar Bhavan,
20 – Ashoka Road,
New Delhi-110 003.Respondents

(By Shri H.R. Sreedhara Standing Counsel for Respondent)

ORDER (ORAL)

HON'BLE DR.K.B.SURESH ...MEMBER(J)

Heard. The applicant retired on 31.12.2011. Apparently the charge sheet was issued on 03.09.2012 without obtaining Presidential sanction, which is the basis for initiating the process against a Group 'A' officer.

2. The respondents to explain that the competent authority had given ex-post facto sanction later on and that should be taken as substantial compliance.
3. In compliance with Rules, it is automatic and requires that there must be full compliance. There is no question of partial compliance and therefore the punishment and all the proceedings are held to be illegal and hereby quashed. The benefits to be paid to the applicant within one month without interest and thereafter, following the Hon'ble High Court Judgment, it will be with 15% interest till payment. OA is allowed. No costs.

(C.V.SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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Annexures referred to by the applicant in OA.No.33/2019

Annexure-1: Copy of UPSC advice dated 03.02.2017.

Annexure-2: Copy of penalty order dated 19.4.2017

Annexure-3: Copy of order of Review Application dated 11.01.2018

Annexure-4: Copy of anonymous letter received by the department against the applicant.

Annexure-5: Copy of Certificate of approval dated 20.10.2008.

Annexure-6: Copy of letter dated 09.7.2010.

Annexure-7: Copy of internal investigation report by DoT.

Annexure-8: Copy of first stage advice of CVC.

Annexure-9: Copy of parawise comments of DoT dated 5.1.2011.

Annexure-10: Copy of second stage advice of CVC to DoT dated 8.12.2011.

Annexure-11: Copy of note containing DoT's decision to disagree with CVC and referring the matter to DoP&T.

Annexure-12: Copy of DoP&T advice dated 31.5.2012.

Annexure-13: Copy of DoT's note dated 5.6.2012.

Annexure-14: Copy of applicant's representation dated 13.6.2012 to CVC.

Annexure-15: Copy of letter dated 21.9.2012.

Annexure-16: Copy of applicant's representation dated 15.11.2012 to DoT.

Annexure-17: Copy of Memorandum dated 18.1.2013.

Annexure-18: Copy of order in OA.623/2013 dated 21.02.2013

Annexure-19: Copy of order of OA.2145/2012 dated 10.05.2013.

Annexure-20: Copy of file records pages 1/C to 3/C and I/N to 36/N of file No.3-8/2008/V.Tech and pages 1/N to 10/N of file No.8-15/2012-Vig II.

Annexure-21: Copy of presentation Officer's (PO's) brief dated 05.08.2013.

Annexure-22: Copy of applicant's defence brief dated 12.08.2013.

Annexure-23: Copy of IO's Inquiry Report dated 26.08.2013

Annexure-24: Copy of dissenting note of DA vide memo dated 27.11.2013.

Annexure-25: Copy of CAT order dated 19.12.2013.

Annexure-26: Copy of representation in terms of Rule 15(2) dated 21.12.2013.

Annexure-27: Copy of DoT's letter dated 17.4.2014 to UPSC.

Annexure-28: Copy of impugned order of DoT's dated 10.2.2015 reappointing another IO.

Annexure-29: Copy of CAT order dated 29.4.2015 rejecting extension of time.

Annexure-30: Copy of CAT order dated 06.01.2016 in RA rejecting DoT's request for extension of time.

Annexure-31: Copy of letter dated 20.10.2016 sent to Secretary DoT.

Annexure-32: Copy of DoT's letter dated 21.11.2016 to UPSC.

Annexure-33: Copy of defence representation dated 10.03.2017 in terms of Rule 15(4) of CCS (CCA) Rules.

Annexure-34: Copy of submission of Presidential Review petition under Rule 29A by applicant dated 06.7.2017.

Annexure-35: Copy of RTI application requesting for copy of Review Petition disposal by DoT.

Annexure-36: Copy of RTI reply dated 17.4.2018.

Annexures referred to by the applicant in the Rejoinder

Annexure-A: Copy of correspondence exchanged between applicant and respondents.

Annexure-B: Copy of order passed in WP.No.(C) 5926/2016 and CM.No.24430/2016.

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