



CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

O.A. No.060/01463/2017

Chandigarh, this the 29th May, 2020

(Orders reserved on 24.02.2020)

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. NAINI JAYASEELAN, MEMBER (A)

Amresh Shukla son of Shri Chandra Kant Shukla, aged 31years, ex-JTO (G) Dadlana resident of House No. 232, Sector 8, Ambala, Haryana.

....Applicant

(BY: MR. ROHIT SHARMA, ADVOCATE)

Versus

1. Chief General Manager, Bharat Sanchar Nigam Limited, Haryana Telecom Circle, Ambala.
2. General Manager, Telecom District Karnal, Sector 8, Karnal.

... .Respondents

(BY: MR. MADAN MOHAN, ADVOCATE)

ORDER

NAINI JAYASEELAN, MEMBER (A):

1. The present O.A. has been filed by the applicant with a prayer to quash the order dated 30.01.2015 (Annexure A-1) whereby the authorities recovered a sum of Rs.4,19,132/- on account of Bond money (Rs.2,00,000/- interest on bond money = Rs.44,132/-)., and letter dated 30.01.2015 (Annexure A-2) vide which he was asked to deposit the said amount.



2. The brief facts of the case are that the applicant was initially appointed as Junior Telecom Officer (G), Dadlana, Panipat, Karnal, SSA on 28.06.2010. The applicant had signed a bond agreement dated 04.12.2009 with the respondent BSNL to serve the department for at least five years and in case of failure, the bond amount would be recovered along with the interest. Thereafter, the applicant applied for Engineering Services Examination, 2010 conducted by the UPSC and also submitted a letter dated 25.03.2014 (Annexure A-6) requesting the respondents to grant him permission to appear in the said examination. Vide letter dated 12.05.2014 (Annexure A-8), the approval of the Competent Authority was conveyed to the applicant to appear in the said Examination. Thereafter, he applied for the post of Assistant Manager in Dedicated Freight corridor Corporation of India Limited and qualified the written examination and was issued interview letter. Thereafter the applicant sought permission and the approval of competent authority for applying to the post of Assistant Manager (Cash) in DFCCIL was given with a warning that he should seek prior permission for outside employment in future. After he was selected, he submitted a technical resignation to BSNL to enable him to join his new appointment. He also submitted a representation dated 24.01.2015 informing that



he had submitted a resignation through proper channel on 12.01.2015 and he was yet to complete bond of five years which was to expire on 27.06.2015. Applicant was asked to submit a resignation which was duly submitted. However, he was directed to deposit an amount of Rs.4,19,132/- which he deposited. His resignation was accepted and he was relieved. He made a representation for refund of the bond amount in view of OM No. 15(2)/2003-DPE(GM)/GL-57 dated 29.07.2004 (Annexure A-3) regarding *Enforcement/transfer of bond in respect of employees of Public Enterprises who leave the services of one Undertaking to join another Undertaking/Government*. It is categorically stated in para (b) of these instructions that in the event of failure to serve the enterprise for a stipulated period after completion of his training should not be enforced against an employee who leaves service of public enterprise of an autonomous body wholly or substantially owned/financed/controlled by the Centre/State govt, and that a fresh bond should be taken from the person concerned to ensure that he serves the new employer for the balance of the original period. It is also a contention of the learned counsel for the applicant that in similar case of one Mayank Raj Singh, JTO Nurpur Dharamsala HP Telecom Circle, the transfer of service bond was accepted by both the HP Telecom Circle and DFCCIL in



compliance with the DPE guidelines, vide letter 14.09.2015 (Annexure A-29). Applicant, therefore, alleges that he has been discriminated against as he belongs to the same batch of JTO BSNL and executed similar service bond with the BSNL as Sh. Mayank Raj Singh. It is reiterated that the transfer of service bond of Mayank Raj Singh was mutually accepted by both HP Telecom Circle and DFCCIL, in accordance with the DPE guidelines.

3. Learned counsel argued what has been stated in the written statement. The facts are not disputed. Respondents state that the applicant did not route his application through BSNL nor he obtained prior permission. This is not borne out by letters dated 26/29.08.2014 and 19.11.2014 (Annexures A-12 and A-13). The respondent counsel argues that the claim of the applicant for refund of bond money was rejected after due consideration.
4. We have given thoughtful consideration to the matter. In view of the specific instructions issued vide O.M. dated 29.07.2004 by the Govt. of India, Ministry of Heavy Industries and Public Enterprises, Department of Public Enterprises, it is clear that a fresh bond can be taken from the concerned employee to ensure that he serves the new employer for the balance of the bond period. Both the



enterprises are public undertakings and there is no ambiguity regarding applicability of the said O.M.

5. In view of the above, the impugned orders are quashed and set aside with a direction to the respondents to issue fresh orders in the light of O.M. dated 29.07.2004. The needful be done within a period of two months from the date of receipt of a copy of this order. No order as to costs.

(NAINI JAYASEELAN)
Member (A)

(Sanjeev Kaushik)
Member (J)

Place: Chandigarh
Dated: 29.05.2020

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1. Draft order in O.A. No. 060/01463/2017 titled Amresh Shukla Vs. C.G.M. BSNL is placed below for concurrence.
2. If the Hon'ble Member (J) concurs with, He may like to pronounce the order on behalf of the Bench, I have signed it.

Ms. Naini Jayaseelan
Member (A)

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)