

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**OA/020/48/2020**

HYDERABAD, this the 20<sup>th</sup> day of January, 2020

**Hon'ble Mr. Ashish Kalia, Judl. Member  
Hon'ble Mr. B.V. Sudhakar, Admn. Member**

B. Chandrasekharam, S/o. B. Kamasastry,  
Aged about 67 years,  
Occ: Retd. Divisional Engineer BSNL,  
Under DGM (OFP), Hubli, Karnataka,  
R/o. Temple Street, Arasavalli SPO,  
Srikakulam - 532 401, A.P.

...      Applicant

(By advocate: Dr. A. Raghu Kumar)

Vs

1. The Union of India rep. by its  
Secretary, Dept. of Telecommunications,  
20, Ashoka Road,  
New Delhi - 1.
2. The Principal Controller of Communication Accounts,  
Tamilnadu Circle, No.238, RK Mutt Road,  
RK Nagar Telephone Exchange Complex,  
7<sup>th</sup> floor, Mandaveli, Chennai - 600 028.
3. The Bharat Sanchar Nigam Limited rep. by its  
Chairman-cum-Managing Director,  
BSNL Corporate Office,  
Eastern Court Complex,  
Janpath, New Delhi - 1 and  
Disciplinary Authority.
4. The Director (HR), BSNL,  
Eastern Court Complex, Janpath,  
New Delhi - 110 001.
5. The Chief General Manager,  
Southern Telecom Projects Circle,  
25 Greenways Lane, R.A. Puram,  
Chennai, Tamilnadu - 600 028.
6. The Additional General Manager,  
(Transmission Projects) cum Inquiry Officer,



4<sup>th</sup> floor, Sanchar Complex, WNS Compound,  
9<sup>th</sup> Main, 47<sup>th</sup> Cross, 5<sup>th</sup> Block, Jayanagar,  
Bangalore – 560 041.

7. The Chief Manager, State Bank of India,  
CPPC, Amaravathi Circle, LHO,  
Gunfoundry, Abids,  
Hyderabad – 500 001.
8. The Manager, State Bank of India,  
Labbipet Branch,  
Vijayawada.

... Respondents

(By advocate: Mrs. K. Rajitha, Sr. CGSC  
Mr. M.C. Jacob, SC for BSNL)

### **O R D E R (ORAL)**

**Hon'ble Mr. Ashish Kalia, Judl. Member**

The present Original Application is filed u/Section 19 of Administrative Tribunals Act, 1985 with the following prayer:

.... to call for the records pertaining to the 3<sup>rd</sup> respondent order in Lr. No.15-21/STP/2015-VM-I(PT-I) dated 1.11.2019, 1<sup>st</sup> respondent Lr. No.68-32-/2019-Vig.II dated 26.9.2019, 5<sup>th</sup> respondent Lr.No.CGMP/CNI/Disp.Case/BC/Vol.I/2014-15/74 dated 16.11.2019 and 2<sup>nd</sup> respondent Lr.No.CCS/TN/CNI/STP/ 12-13/SA/C-1634/210029677 dated 31.12.2019 and quash and set aside the same as illegal, arbitrary and violative of Article 14, 16, 21 and 300-A of the Constitution of India and rules on the subject matter in the interest of justice.ö

2. The brief facts of the case are that the applicant had initially joined the service of Department of Telecommunications as Engineering Supervisor in the year 1975. He retired on superannuation on 31.04.2012 as Divisional Engineer. He is actually aggrieved by the impugned order 01.11.2019 issued by the Chairman, BSNL (Annex. A.I), the operative portion of which reads as under:

9. Now, therefore, I. P.K. Purwar, CMD, BSNL, the Disciplinary Authority, keeping in view the relevant records of



the case, representation of the charged officer, having made objective assessments of the facts, over all circumstances of the case in its entirety and in exercise of the powers conferred upon me under Rule-61 of BSNL CDA Rules ó 2006, hereby impose penalty of ó100% cut in pension for a period of 03 (three) years for the service rendered in BSNLöon Sri B. Chandrasekharam (HR No.197507144), the then DET OFP, Hubli under STP Circle, Chennai (now retired) after ratification from DoT vide letter No.68-32/2019-Vig-II dated 26.09.2019.ö

3. Learned counsel for the applicant has impressed upon this Tribunal that this order has to be implemented in true and spirit, which has not been done. Contrary to this order, applicant's pension has been withheld for the entire period. On the other hand, learned counsel for the respondents fairly submitted at the bar that they have already written to the concerned authorities i.e. Department of Telecommunications, in regard to the penalty order passed.

4. Heard Dr. A. Raghu Kumar, learned counsel for the applicant and Sri M.C. Jacob, learned counsel for the respondents at length.

5. After hearing both side learned counsel, we are of the view that this Original Application can be disposed of at the admission stage itself. The Disciplinary Authority cannot go beyond the penalty imposed on the applicant. Thus, we hereby direct the respondents to take immediate steps to implement the Annex.A-I order as directed hereinabove, within a period of 45 days from the date of receipt of this order. However, this order will not come in the way of the Appellate Authority to take any view on the appeal preferred by the applicant on 25.11.2019 . If there is still any grievance is left over, the applicant is at liberty to approach this Tribunal once again.

**(B. V. SUDHAKAR)**  
**ADMN. MEMBER**  
 /pv/

**(ASHISH KALIA)**  
**JUDL. MEMBER**