

**Central Administrative Tribunal
Principal Bench**

OA No. 1277/2020

New Delhi, this the 14th day of September, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Sh. Tejbir Singh, aged about 57 years
Mob.: 9868289697
S/o Sh. Baljor Singh
Ex-Telephone Operator (T.O.-9630)
Presently residing at 272, 2nd floor,
Gali No.4, Durga Puri Extension,
Delhi-110093. .. Applicant

(By Advocate : Shri D. S. Chaudhary)

Versus

1. Union of India
Through the Secretary-cum-Chairman
Ministry of Communications
Department of Telecommunication
20, Sanchar Bhawan,
Ashoka Road, New Delhi-110001
2. The Deputy Director General (Establishment)
Ministry of Communications & IT
Department of Telecommunications
20, Ashoka Road, Sanchar Bhawan,
New Delhi-110001
3. The Director (Staff)
Ministry of Communications
Department of Telecommunications
(Vigilance III Section)
20, Sanchar Bhawan,
Ashoka Road,
New Delhi-110001 ..Respondents

(By Advocate : Dr. Ch. Shamsuddin Khan)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman:**

The applicant was working as Telephone Operator at Edga Exchange, New Delhi. Criminal prosecution was initiated against him on the allegation that he diverted the telephone lines to private PCO operators resulting loss of approximately Rs.3,00,000/- to the Government exchequer. He was tried in R.C.No.49/1997 under Sections 120 (B) read with Section 420 (IPC) and Sections 25 and 27 of Indian Telegraph Act. The provisions of Prevention of Corruption Act were also invoked. The Special Judge, CBI, Central District Teeshazajari Court, Delhi convicted the applicant through judgement dated 19.01.2017 and sentenced him to undergo imprisonment of one year and to pay fine of Rs.10,000/- for offence under Section 120 (B) read with Section 420 (IPC) and imprisonment of 2 years and fine of Rs.10,000/- for the offence under Section 13 (2) read with Section 13 (1) (d) of the Prevention of Corruption Act.

2. Taking the conviction and sentence into account, the appointing authority of the applicant passed an order dated 09.05.2017 placing the applicant under suspension. This was followed by issuance of a show cause notice dated 08.06.2017 by invoking Rule 19 (1) of CCS (CCA) Rules. The applicant was required to explain as to why the penalty of dismissal be not

imposed, in view of the conviction in the criminal case. The applicant submitted a representation dated 21.07.2017. Taking the same into account, the Disciplinary Authority passed an order dismissing the applicant from service on 11.08.2017.

3. This OA is filed challenging the order of dismissal dated 11.08.2017 passed by the BSNL. Shri D. S. Chaudhary, learned counsel for the applicant argued the matter at some length. However, it is stated that the applicant wants to withdraw the OA awaiting the outcome of the appeal preferred by him against the order of dismissal.

4. We accord permission. The OA is dismissed as withdrawn. The Appellate Authority shall consider the appeal on its own merit, and dispose of it, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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