

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.180/00296/2020**

Thursday this the 16<sup>th</sup> day of July 2020

**C O R A M :**

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER  
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

C.K.Ashvathi,  
Aged 52 years,  
W/o.Ajayan.K.S.,  
H.R.No.199100617,  
Divisional Engineer (lookafter),  
Bharat Sanchar Nigam Limited,  
Vaikom, Kottayam.  
Residing at Akshara, Punnathura West,  
Ettumanoor, Kottayam – 686 631. ....Applicant

(By Advocate Ms.Sreedevi Kylasanath )

**v e r s u s**

1. Union of India represented by its Secretary,  
Ministry of Communications,  
Department of Communications,  
Sanchar Bhawan, 20 Ashoka Road,  
New Delhi – 110 001.
2. The Director,  
Bharat Sanchar Nigam Limited,  
Bharat Sanchar Bhavan,  
Harish Chandra Mathur Lane Janpath Road,  
Janpath, Delhi – 110 001,  
Near Post Office Patel Chowk & New Delhi Railway Station.
3. Chief General Manager, Kerala Circle,  
Thiruvananthapuram, Office of the Chief General Manager,  
Bharat Sanchar Nigam Limited Kerala Circle,  
Doorsanchar Bhavan, PMG Junction,  
Thiruvananthapuram – 695 033. ....Respondents

(By Advocate Mr.George Kuruvila for R 2 and 3 and Mr.Sinu G Nath,ACGSC for R1)

This application having been heard on 16<sup>th</sup> July 2020, this Tribunal on the same day delivered the following :

## ORDER (ORAL)

### **HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

The applicant who belongs to the Scheduled Caste Community entered service as Junior Telecom Officer under the 2<sup>nd</sup> respondent. Now the applicant is serving as Divisional Engineer (Look After). Disciplinary proceeding was initiated against the applicant while she was working as SDE Computer, Kottayam SSA in 2013. The Disciplinary Proceedings culminated in the imposition of punishment for negligence and applicant was denied promotion due to pendency of the disciplinary proceedings. Many of the juniors were given promotion. The period of punishment expired by efflux of time on 31.5.2019. Due to the delay in constituting DPC, applicant's promotion is delayed. Hence the applicant has approached this Tribunal for the following reliefs:-

*“ i. Direct respondents to give regular promotion to applicant as Divisional Engineer/AGM in the existing vacancies;*

*ii. To declare that applicant is entitled for consideration for promotion on completion of Disciplinary proceedings and punishment period and,*

*iii. To direct 2<sup>nd</sup> respondent to consider Annx.A-4 representation within a stipulated time period and to constitute DPC*

*iv. To pass any other order(s) as is deemed fit and proper by this Tribunal in the interest of justice.”*

2. When the matter came up for consideration, learned counsel for the respondents submits that the promotion of the applicant is pending since DPC is not yet convened. According to him the DPC was not convened after 2018. Hence, the promotion of the applicant is being unnecessarily delayed.

Applicant has given a representation to the competent authority, but no satisfactory reply is given and no DPC is convened yet. Applicant will be satisfied if her representation is properly considered and the DPC is convened in this matter.

3. Learned counsel for the respondents has no objection for considering the representation within a time frame.

4. **In view of the limited submission, without going into merits, the Original Application is disposed of at the admission stage itself with a direction to the respondents to consider Annexure A-4 representation of the applicant and to consider the promotion of the applicant, if he is eligible, as early as possible and at any rate within a period of 6 months from the date of receipt of a copy of this order.**

5. The O.A is disposed of as above. No costs.

**K.V.EAPEN  
ADMINISTRATIVE MEMBER**

**P.MADHAVAN  
JUDICIAL MEMBER**

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**List of Annexures**

Annexure A1 – A true copy of the final order dated 28.2.2019 on Disciplinary Proceedings.

Annexure A2 – A true copy of the representation dated 21.5.2019.

Annexure A3 – A true copy of the communication dated 13.9.2019 of respondents.

Annexure A4 – A true copy of the advance copy representation dated 6.7.2020.

Annexure A5 – A true copy of the relevant portion of the seniority list.

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