

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH
Original Application No. 180/00216/2020

Tuesday, this the 23rd day of June, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

Hon'ble Mr.K.V.Eapen, Administrative Member

Sreekumar.E.P

S/o.Kunhunni Kidavu, aged 61 years

Deputy General Manager (Fin/TR), BSNL, Retired

Edapparambath House, Iyyad P.O

Kozhikode District, Pin 673 574

Mob: 9447536800

..... Applicant

(By Advocate : M/s.Dandapani Associates)

V e r s u s

1. Chairman cum Managing Director

BSNL, New Delhi – 110 001

2. The Chief General Manager, Telecom

Office CGMT, BSNL

Thiruvananthapuram – 673 574

3. The General Manager, Telecom,

D.P.O.Road, UP Hill

BSNL, Malappuram, Pin – 676 505

..... Respondents

(By Advocate : Mr.T.C.Krishna)

This application having been heard on 23.6.2020 the Tribunal on the same day delivered the following:

ORDER (ORAL)

Hon'ble Mr. P.Madhavan, Judicial Member –

Applicant is a retired BSNL Officer. He is aggrieved by Annexure A-9 order imposing with a minor penalty of reduction to a lower stage in the time scale of pay of the applicant by one stage for a period of one year with effect from 1.2.2018. The applicant claims that he is entitled to get time bound promotion w.e.f 1st April 2017. He gave a representation as Annexure A-10 before the 2nd respondent and it was declined. He had again gave a detailed representation as Annexure A-14 before the 2nd respondent and R2 has not been considered it yet. Finally, the applicant has submitted Annexure A-15 appeal before the 1st respondent and the same is also pending. Hence he approached this Tribunal seeking the following reliefs:

“i.To call for records pertaining to Annexure A9 order imposing the minor penalty and set aside the same as it is arbitrary and unjustified.

ii. To direct the 1st and 2nd respondent to grant time-bound promotion to E6 scale with effect from 1.4.2017

iii.To declare that the applicant is entitled to get time-bound promotion to E6 Scale with effect from 1.4.2017

iv.To declare that the minor penalty imposed on the applicant will not stand in the way of granting time-bound promotion to E6 Scale

v. To direct the 1st respondent to consider and pass appropriate orders in Annexure A15 appeal pending before him.

vi. To grant such other appropriate order or direction as the Tribunal deemed fit and proper in the facts and circumstance of the case. “

2. When the matter came up for consideration, it has come out that the applicant has given a representation to respondent no.2 as Annexure A-14

giving details of his case. Respondent no.2 has not disposed of the same by a speaking order. It seems that the said representation is pending for consideration before respondent no.2. The applicant has also filed a representation before respondent no.1 as Annexure A-15 and it is also pending. The counsel for respondent has no objection in disposing the representations filed by passing a speaking order.

3. In view of the limited submission, without going into the merits, respondent no.1 is directed to consider Annexure A-15 representation and pass a reasoned and speaking order, on the basis of relevant rules and regulations including the letter at Annexure A-13 dated 20.9.2012 also. The same shall be done within a period of 3 months from today.

4. The Original Application is disposed of, with the above direction at the admission stage, as above. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

List of Annexures

- Annexure A1 - True copy of the memorandum bearing No.GMT MLP/Disc proceeding/2016-18/16 dated 6.3.2017 by the 3rd respondent
- Annexure A2 - True copy of the explanation to the memorandum dated 22.3.2017 given by the applicant
- Annexure A3 - True copy of the order of withdrawal bearing No.GMT MLP/Disc. Proceeding/Vol.II/2016-18/5 dated 30.5.2017
- Annexure A4 - True copy of the fresh memorandum of charges bearing No.LC/CO/DI/Sreekumar/MLP/3017/5 dated 22.6.2017 issued by the 2nd respondent
- Annexure A5 - True copy of the explanation given by the applicant dated 27.7.2017
- Annexure A6 - True copy of the communication bearing No.LC/CO/DI/Sreekumar/MLP/2017/10 dated 7.9.2017 issued by the Deputy General Manager to the 3rd respondent
- Annexure A7 - True copy of the representation submitted by the applicant before the 2nd respondent dated 30.10.2017
- Annexure A8 - True copy of the request submitted by the applicant before the 2nd respondent dated 15.1.2018
- Annexure A9 - True copy of the order bearing No.LC/CO/DI/Sreekumar/MLP/2017/16 dated 27.2.2018 passed by the 2nd respondent
- Annexure A10 - True copy of the representation submitted by the applicant before the 2nd respondent dated 9.10.2018
- Annexure A11 - True copy of the order bearing No.HR-II/6-6/TB-IV/2007-15/87 dated 20.6.2019
- Annexure A12 - True copy of the representation submitted by the applicant before the 2nd respondent dated 10.7.2019
- Annexure A13 - True copy of the BSNL letter No.400-164-2012-Pers.I dated 20.9.2012
- Annexure A14 - True copy of the representation submitted by the applicant before 2nd respondent dated 21.10.2019
- Annexure A15 - True copy of the appeal dated 3.3.2020 preferred by the applicant before the 1st respondent

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