

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:

O R D E R (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**

sv

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

...