

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.499/2002

Thursday this the 5th day of September, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

C.K.Rajaji,
Grade D (under suspension)
Office of the General Manager,
Bharath Sanchar Nigam Limited,
Kottayam residing at
Chirayil House, Amayannoor PO
Kottayam.

..Applicant

(By Advocate Mr.C.S.Manu)

v.

1. Union of India, represented by the Secretary, Ministry of Communications, New Delhi.
2. Bharath Sanchar Nigam Limited represented by its Chairman, New Delhi.
3. Sub Divisional Engineer (HRD)
Office of the General Manager,
Telecom, BSNL, Kottayam.

...Respondents

(By Advocate Mrs.P.Vani ACGSC)

The application having been heard on 5.9.2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

This is the second time the applicant is approaching this Tribunal aggrieved by an order by which he was kept under suspension and the action of the respondents in continuing to keep him under suspension.

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By Annexure.A1 order dated 18.9.2000 the applicant was placed under suspension on the ground that a criminal case against him is pending. As his request for review and revocation of the suspension made to the Sub Divisional Engineer did not evoke any response, the applicant filed OA 965/01 challenging the order of suspension. The OA was disposed of by order dated 3.12.01 directing the Sub Divisional Engineer to consider the representation and to give an appropriate reply to the applicant. In obedience to the above direction, the third respondent has issued Annexure.A5 order dated 20.12.2001 stating that his request for revocation of suspension and reinstatement cannot be considered at this stage as the CBI case is still pending investigation. Aggrieved the applicant has filed this application seeking to set aside Annexure.A5 and for a direction to the third respondent to reinstate the applicant in service forthwith.

2. The respondents have filed a counsel statement in which it is stated that as the case against the applicant under Section 19(1)(c) of the Prevention of Corruption Act, 1988 is pending investigation it is not possible to accede to the request of the applicant for reinstatement.

3. However, when the application came up for hearing today, learned counsel on either side agree that the application may be disposed of permitting the applicant to file an appeal against Annexure.A5 order to the General Manager, BSNL, Kottayam and directing that if such an appeal is received the same shall be considered on merits and appropriate reply given to the

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applicant within a reasonable time.

4. In the light of the above submission of the learned counsel on either side, we dispose of this application permitting the applicant to file an appeal against Annexure A5 order to the General Manager, Bharath Sanchar Nigam Limited, Kottayam within one week from today and directing the General Manager, Bharath Sanchar Nigam Limited, Kottayam that if such an appeal is received the same shall be considered in accordance with rules and instructions in that behalf and appropriate reply given to the applicant within a period of two months from the date of receipt of the appeal. No costs.

Dated the 5th day of September, 2002



T.N.T NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

APPENDIX

Applicant's Annexures:

1. A-1 : True copy of order of suspension bearing No. HRD/Disc./CKR/2000-01/2 dated 18.9.2000.
2. A-2 : True copy of representation submitted by the applicant on 26.7.2001 to the 3rd respondent.
3. A-3 : True copy of the Order dated 31.12.2001 in O.A No. 965/01 passed by this Hon'ble Tribunal.
4. A-4 : True copy of the representation dated 17.12.2001 submitted by the applicant before the 3rd respondent.
5. A-5 : True copy of the order No HRD/Disc/CKR/2000-01/15 dated 20.12.2001 passed by the 3rd respondent to the applicant.

APP
6.9.02