

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.520/2002.

Monday this the 22nd day of July 2002.

CORAM:

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

S. Sudhakaran,
Wireless Operator,
Cochin Radion, Cochin-9. Applicant

(By Advocate Shri Vishnu S.Chempazhanthiyil)

vs.

1. Telecom District Manager,
BSNL, Lakshadweep SSA,
Kavarati.
2. Principal General Manager, Telecom,
BSNL, Ernakulam.
3. The Chief General Manager, Telecom,
Bharat Sanchar Nigam Limited, Kerala,
Thiruvananthapuram.
4. Union of India represented by its
the Secretary,
Ministry of Communications,
New Delhi. Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 22nd July, 2002 by the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, a Wireless Operator working under the first respondent was placed under suspension during 20.3.97 to 20.5.98 owing to the pendency of two criminal cases CC No.608/97 and CC No.643/97 in which he was accused. In both these cases he was honorably acquitted. However, no order was passed by the competent authority the first respondent regularising the period of suspension and regarding the pay and allowances due to the applicant for this period. Therefore, the applicant made A-4 representation on 10.9.2001 addressed to the first respondent seeking early orders on the regularisation of the period of

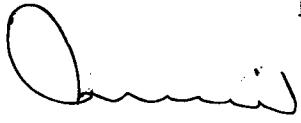
suspension and disbursement of pay and allowances, bonus, increment etc. No decision on this representation has been taken. The applicant belongs to the Scheduled Caste community. Though he took part in the tests for appointment as JTO in 1995 and 2000, he failed. Requests of the members of the Scheduled Tribe community for review of the screening test in their cases adopting a relaxed Standard was considered and granted. A similar request by the applicant made in A-5 representation addressed to the 3rd respondent has not yielded any result, probably because no order has been passed by the first respondent regarding regularization of the period of his suspension. Under these circumstances, finding that other persons have been deputed for JTOs training, the applicant has filed this application seeking the following reliefs.

1. Direct the respondents to take immediate action to remove all disabilities in service arising out of the involvement of the applicant in C.C.608/1997 and 643/1997 and extend to him all service benefits with effect from the dates when he became legally entitled to such benefits.
2. Direct the respondents to consider the applicant for review promotion under Annexure A6 when such review fell due but denied to him because of CC.No.608/97 and 643/97.
3. Direct the respondents to pay the applicant full pay and allowances, increment, bonus etc. for the period he was under suspension in the light of Annexure A2 and a3.
4. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.
5. Award the cost of these proceedings."

2. When the O.A. came up for hearing Senior Central Government Standing Counsel took notice on behalf of the respondents. Counsel on either side agree that the application may be disposed of at this stage directing the first respondent to pass an order on A-4 representation within three weeks and the 3rd respondent to pass an order on the A-5 representation within a week thereafter.

3. In the light of the above submission made by the learned counsel on either side and in the interests of justice, we dispose of this application directing the first respondent to consider A-4 representation and to give an appropriate reply to the applicant within a period of three weeks and the 3rd respondent to take a decision on A-5 representation within a period of one week thereafter. If the representations happen to be disposed of in favour of the applicant, he shall be entitled to all the consequential benefits. There is no order as to costs.

Dated the 22nd July, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the order No.TDM/KVRT/Dis/99/10 dated 20.5.1998 issued by the 1st respondent.
2. A-2 : True copy of the judgment in C.C.No.608/97 dated 7.12.2000 of the Judicial First Class Magistrate Court, Varkala.
3. A-3 : True copy of the Judgment in C.C.No.643/97 dated 3.7.2001 of the Judicial First Class Magistrate Court, Varkala.
4. A-4 : True copy of the representation dated 10.9.2001 to the 1st respondent.
5. A-5 : True copy of the representation dated 10.9.2001 to the 3rd respondent.
6. A-6 : True copy of order No.22-12/92-NCG dated 30.12.1992 of the Telecom Department.(relevant portion).

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