

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.593/11

*Friday*... this the *11<sup>th</sup>* day of November 2011

**C O R A M :**

**HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

Sarala B.,  
D/o.Bhargavi,  
Mapottil Kizhakkethil,  
Muttom PO, Haripad, Sr.T.O.A.,  
Office of the S.D.E.P., B.S.N.L., Mannar.

...Applicant

(By Advocate Mr.A.X.Varghese)

**V e r s u s**

1. The Chief General Manager,  
Tele Communication, B.S.N.L.,  
Thiruvananthapuram – 695 001.
2. Mathew Jacob,  
The Deputy General Manager, (Admn.),  
Office of the General Manager,  
Tele Communication, B.S.N.L.,  
Alappuzha – 683 001.
3. Ciril C Polackal,  
The Divisional Engineer Telecom,  
B.S.N.L., Mavelikkara,  
Alappuzha District - 690 101.
4. The Junior Engineer,  
Telecom Officer, B.S.N.L.,  
Mannar, Alappuzha – 689 622.

...Respondents

(By Advocate Mr.V.Santharam [R1&4])

This application having been heard on 3<sup>rd</sup> November 2011 this Tribunal on *11<sup>th</sup>* November 2011 delivered the following :-

**ORDER**

**HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

The applicant has filed this Original Application seeking the following main reliefs :-

1. To direct the 1<sup>st</sup> respondent to take emergent action on Annexure A-2 complaint filed by the applicant within time frame manner.
  2. To direct the 1<sup>st</sup> respondent to ensure that the applicant is not harassed by respondents No.2 to 4 at her work place.
2. The applicant entered the service as Time Scale Clerk on 22.4.1979 and promoted as Section Supervisor (Operative) on 1.7.1993. When she was not allowed to mark her attendance in the attendance register from 19.4.2011 and was granted leave for a period from 5.3.2011 to 13.3.2011 when her specific request was for grant of leave from 5.3.2011 to 11.3.2011, she submitted Annexure A-2 representation to the 1<sup>st</sup> respondent. She alleges that her immediate superior, the 3<sup>rd</sup> respondent, is harassing her at the instance of the 2<sup>nd</sup> respondent. She has cited six instances of harassment meted out to her by the 3<sup>rd</sup> respondent and the 2<sup>nd</sup> respondent in her Annexure A-2 representation. Therefore, she prays for a direction to the 1<sup>st</sup> respondent to take action on Annexure A-2 complaint addressed to the 1<sup>st</sup> respondent.
3. In their reply statement the respondents have submitted that no service matter is involved in the O.A and hence it is liable to be dismissed at the admission stage. They added that the applicant is working as Senior

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Telecom Office Assistant at Telephone Exchange, Mannar and is under suspension with effect from 10.5.2011 (Annexure R-1). According to them, there were a few incidents involving misconduct and misbehaviour on the part of the applicant from 5.3.2011 onwards and to cover up the same she applied for leave which was not sanctioned by the competent authority due to valid reason. The letters sent by the respondents to her residential address are being willfully refused by the applicant and hence returned. Therefore, her controlling officer was instructed to serve these letters on her before she can mark her attendance in the register. Once she accepted the official communication she was permitted to sign the attendance register. (Annexure R-2). Regarding her grievance about non allotment of staff quarter, it is stated that she has not submitted any request for the same so far. Similarly, even though options were called for to effect general rotation transfer the applicant did not make any representation. The respondents stoutly denied any sort of harassment to her on their part. Neither was she shown any discrimination at any point of time.

4. The applicant filed rejoinder to point out that any order pertaining to any matter within the jurisdiction of the Tribunal under Section 14 read with Section 3 (q) of the Administrative Tribunals Act, 1985 can be taken up by her. These matters include leave, promotion, disciplinary matters etc. Her grievances are about denial of promotion, transfer, leave etc. besides harassment at work place. She maintains that the 1<sup>st</sup> respondent was duty bound to ensure that the applicant is not abused in the work place as per



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the dictum laid down by the Apex Court in Vaisakha and others Vs. Rajasthan and others. Her complaint in respect of denial of eligible promotion, allotment of quarters and transfer to Mavelikkara remained unconsidered. She has completed six years at Mannar and has requested for a transfer to Mavelikkara. She has filed a complaint before the Mannar Police Station as F.I.R.226/2011 dated 28.4.2011 against Samgrigore, Junior Telecom Officer, BSNL, Mannar, the 4<sup>th</sup> respondent, for the offence under Section 323 and Section 3(1)(10) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

5. Heard the counsel for the parties and perused the documents. The undisputed facts which emerged from the above is that her Annexure A-2 representation to the 1<sup>st</sup> respondent remains unanswered till date. She has brought to the notice of the 1<sup>st</sup> respondent certain grievances like denial of transfer to Mavelikkara, withholding of promotion, to treat her sister as her dependent and non allotment of quarter at Veeyapuram etc. The Annexure A-2 complaint is dated 3.6.2011. The least the 1<sup>st</sup> respondent could have done is to get the matter enquired into, take necessary action on her complaint and intimate the applicant accordingly. As a result of the judgment of the Apex Court in Vaisakha and others Vs. Rajasthan and others a Committee is to be set up in the office of the 1<sup>st</sup> respondent. The Chairperson is expected to be a lady officer in the Junior Administrative Grade. The applicant should have sent her complaint to the Committee if she felt that she is being harassed at the work place.

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6. In view of the above, the 1<sup>st</sup> respondent is directed to look into the Annexure A-2 complaint of the applicant, consider her grievances and intimate the nature of action, if any, proposed to her within a time limit of two months from the date of receipt of a copy of this order. The applicant is also directed to make a complaint to the Chairperson of the Committee for prevention of sexual harassment at work place, if so advised. The O.A is disposed of as above. No costs.

(Dated this the 11<sup>th</sup> day of November 2011)

  
K.NOORJEHAN  
ADMINISTRATIVE MEMBER

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