

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 309 OF 2011

Thursday, this the 8th day of November, 2012

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

P.K.Salim Babu
Sub Divisional Engineer (Pursuit Cell)
BSNL, Alleppey
Residing at Kanjirathil
Cheavally, Kayamkulam

... Applicant

(By Advocate Mr.P.V.Mohanan)

versus

1. The General Manager
Telecom, BSNL
Office of the General Manager Telecom District
BSNL Bhavan, Alappuzha - 15

2. The Director (Human Resource Development)
BSNL, Corporate Office
New Delhi -110001

3. The Chief General Manager
Telecom Trivandrum BSNL
Door Sanchar Bhavan
Trivandrum - 33

... Respondents

(By Advocate Mr. George Kuruvilla)

The application having been heard on 08.11.2012, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

This OA was filed impugning Annexure A-4. The applicant was kept under suspension pending inquiry. He challenged the suspension by filing OA 692/2010. During the pendency of the OA, the suspension was withdrawn. Therefore, this Tribunal in Annexure A-3 order stated that suspension does not survive as of now. However, it is noticed that no order



is issued to regularise the period of suspension under Rule 32. Leaving this issue open for the respondents to decide, that application was closed. Therefore, it is for the authority to consider and regularize the period of suspension in terms of Rule 32 and that issue was already left open. The applicant requested for regularization of the suspension period, but by Annexure A-4, the respondents stated that regularization will be taken only after culmination of the proceedings. We do not find anything wrong in Annexure A-4. Now it is submitted by the learned counsel for applicant that he has filed an MA against imposing the applicant with a major penalty. It is not necessary to deal with the same.

2. In the circumstances, the present OA is only for regularization and now he has been imposed with a major penalty, he can agitate it in a separate proceeding at the appropriate time. Leaving open his right, this OA is closed. The legality of the order imposing penalty is also left open to be adjudicated in appropriate proceedings.

3. OA is **closed** as above. No costs.

Dated, the 8th November, 2012.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R. RAMAN
JUDICIAL MEMBER

vs