

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 403 OF 2011

Thursday, this the 26th day of July, 2012

CORAM:

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

Salim Babu P.K.,
Sub Divisional Engineer, Pursuit Cell,
Bharat Sanchar Nigam Ltd.,
Alappuzha. ... Applicant

(By Advocate Mr. P. Chandrasekharan)

versus

1. The Director (HRD),
Bharat Sanchar Nigam Ltd.,
New Delhi-110 001.
2. The Chief General Manager,
Bharat Sanchar Nigam Ltd.,
Thiruvananthapuram-695 001.
3. The General Manager Telecom,
Bharat Sanchar Nigam Ltd.,
Alleppey-12.
4. The Assistant General Manager (Administration),
Office of the General Manager,
Telecom Division, Bharat Sanchar Nigam Ltd.,
Alleppey - 12.
5. The Divisional Engineer, Telecom,
Bharat Sanchar Nigam
Ltd., Kayamkulam-2.
6. The Accounts Officer, GMTD Office,
Office of the General Manager,
Bharat Sanchar Nigam Ltd.,
Alleppey-12. ... Respondents

(By Advocate Mr. T.C. Krishna)

The application having been heard on 18.07.2012, the Tribunal on 26-07-12 delivered the following:

ORDER

HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

The applicant is a Sub Divisional Engineer in Bharat Sanchar Nigam Limited, Alleppey. He is aggrieved by the imposition of a penalty of withholding of one increment of pay for a period of one year with cumulative effect with effect from 01.06.2010. He has filed this O.A challenging the orders of the disciplinary authority, appellate authority and the revisional authority and for restoration of the withheld increment with all consequential benefits.

2. The applicant submitted that he had not committed any misconduct or dereliction of duty. The superior officers of the applicant had always been seeking ways and means to punish him especially with a view to cover up the mistakes of other employees and superior officers. The impugned orders have been passed on the basis of no evidence or material at all.
3. The respondents in their reply statement submitted that the entire service period of the applicant is blemished. He was advised several times to improve his performance. The confidential remarks made by most of the controlling officers reveal inefficiency and indiscipline on the part of the applicant. The applicant was charge sheeted for a serious misconduct of refusal to take over the charge during the period from 15.06.09 to 27.06.09

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and other charges as at Annexure R1-A, while he was working as SDE, Kayamkulam. The submissions made by the applicant while denying the charges were duly considered by the concerned Disciplinary Authority. All the contentions raised by him were considered before imposing the punishment of withholding of next increment falling due on 01.06.2010. The Appellate Authority had duly considered all the submissions made by the applicant and issued a speaking order rejecting appeal and confirming the order dated 09.09.2010 passed by the Disciplinary Authority. Taking into account the records of the case and on an objective assessment of the facts and overall circumstances of the case in its entirety, the Director (HR) also rejected the revision petition.

4. We have heard Mr. P. Chandrasekharan, learned counsel for the applicant and Mr. T.C. Krishna, learned counsel for the respondents and perused the records.

5. The articles of charges levelled against the applicant are as follows:

“Article-I

Shri Salim Babu P.K. Refused to take over the charge as SDE (Intl-II) during the period from 15.6.2009 to 27.6.2009. Instead of taking over the charge, he made false statement to his superiors through several letters that he would not take over the charges because of the chaotic condition prevailing in Kayamkulam Exchange. By doing so, he has shown lack of devotion to duty and thereby violated Rule 4(1)(b) of BSNL CDA Rules 2006.

Article-II

Shri Salim Babu P K who was entrusted with the work of passing and forwarding of the electricity bills for payment to

avoid disconnection of HT Supply refused to do so for the month of July, 2009, August, 2009 and September, 2009 in spite of repeated instructions. His attitude is totally negative and void of cooperation, trying to find excuses and ways and means for not doing the work. Thus, by shirking his responsibilities and not obeying the lawful and reasonable orders of his superiors he has acted in a manner unbecoming of a public servant thereby violated Rules 4(1)_(c) of BSNL CDA Rules, 2006.

Article-III

Shri Salim Babu P K was entrusted with the responsibility of keeping Xtra power card (Petro card) for the purchase of Diesel for Kayamkulam Exchange under his personal custody. To evade from the responsibility of keeping this card in his custody he had given this to the security guards of Kayamkulam Exchange. This card was lying in security guards cabin without any proper lock and key arrangement. Thus he failed to maintain absolute integrity and by doing so he has violated Rule 4(1)(a) of BSNL CDA Rules, 2006.

Article-IV

Shri Salim Babu P K is holding the charge for the creation of WLL numbers at Kayamkulam Exchange for giving new connections, reconnections, closure change of ESN numbers of FWT due to fault etc. The executives of Mavelikkara are complaining that these works are either not being done or there is inordinate delay on the part of Shri Salim Babu P.K. By this action, he has created much difficulty and revenue loss to the company, dissatisfaction and inconvenience to the customers. Thus, he failed to maintain devotion to duty and acted against the interest of the company and thereby violated Rule 4(1)(b) and Rule 4(1)(d) of BSNL CDA Rules, 2006.

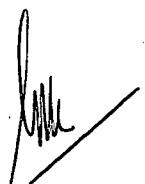
6. We find that the authorities have considered all relevant facts and applied their mind to the points raised by the applicant in the impugned orders. Malafides alleged against the the respondents are not substantiated. That he has a blemished record is not disputed. The contention that the impugned orders are based on no evidence is not proved. The impugned orders are

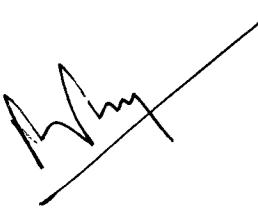
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speaking orders. The contention that he is being punished with a view to cover up the mistakes of other employees and superior officers remains vague and unsubstantiated. The punishment imposed is a minor one. No enquiry was required, nor was there a demand for it. There is no procedural or legal infirmity on the part of the respondents. We do not find any reason to interfere with the impugned orders.

7. Devoid of merit, the O.A is dismissed with no order as to costs.

(Dated, the 26th July, 2012)


K GEORGE JOSEPH
ADMINISTRATIVE MEMBER


JUSTICE P.R.RAMAN
JUDICIAL MEMBER

cvr.