

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ERNAKULAM BENCH**

**Original Application No. 405 of 2012**

*Wednesday*, this the 10<sup>th</sup> day of October, 2012

**CORAM:**

**Hon'ble Mr. Justice P.R. Raman, Judicial Member**  
**Hon'ble Mr. K. George Joseph, Administrative Member**

Sarala B., Aged 53 years, D/o. Bhargavi,  
 Mapottil Kizhakkethil,  
 Muttom PO, Haripad, Sr. TOA, Office of the SDEP,  
 BSNL, Mannar.

..... **Applicant**

**(By Advocate – Mr. A.X. Varghese)**

**V e r s u s**

1. The Chief General Manager, Tele Communication,  
BSNL, Thiruvananthapuram.
2. The Deputy General Manager (Admn.), Office of the  
General Manager, Tele Communication, BSNL, Alappuzha.
3. The Divisional Engineer Telecom, BSNL, Mavelikkara,  
Alappuzha District.
4. The Junion Engineer, Telecom Officer, BSNL,  
Mannar, Alappuzha.

..... **Respondents**

**(By Advocates – Mr. Johnson Gomez)**

This application having been heard on 25.09.2012, the Tribunal on  
10-10-12 delivered the following:

**ORDER**

**By Hon'ble Mr. K. George Joseph, Administrative Member-**

The applicant is working under the 4<sup>th</sup> respondent as Senior Telephone Office Assistant. She had filed OA No. 593 of 2011 complaining about harassment at work place. The aforesaid OA was disposed of as under:-



"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."

In compliance of the above order the complaint of the applicant was considered by the 1<sup>st</sup> respondent and was rejected vide Annexure A4 order.

Aggrieved she has filed this OA for the following relief:-

- "a) Call for the records pertaining to Annexure A4 and A9 and set aside the same.
- b) To direct the 1<sup>st</sup> respondent to consider Annexure A1 complaint afresh after affording an opportunity of hearing to the applicant.
- c) To direct the 1<sup>st</sup> respondent to regularize the period of suspension with effect from 10.5.2011 to 18.12.2011 and to provide the salary and other consequential benefits to the applicant.
- d) To direct the 2<sup>nd</sup> respondent to consider Annexure A7 and pass appropriate orders thereon.
- e) To grant such other reliefs as this Hon'ble Tribunal deems fit and proper."

2. The applicant contended that Annexure A4 was issued by the 1<sup>st</sup> respondent without giving her an opportunity of hearing. The Divisional Engineer was not the competent authority to suspend the applicant. The Deputy General Manager is the appointing authority of Senior Telecom Office Assistant. The reasons stated in Annexure A4 are unsustainable in respect of denial of promotion, rotational transfer and allotment of quarter, since she had submitted the requests at Annexures A11, A12 and A13. The non-consideration of the representation submitted by the applicant for salary and other



consequential benefits is arbitrary.

3. Per contra, the respondents submitted that the applicant had neither mentioned anything about Annexure A7 representation dated 31.3.2011 in OA No. 593 of 2011 nor produced a copy of the same at that time. Therefore, it is evident that Annexure A7 is a fabricated letter. The Divisional Engineering being the disciplinary authority in respect of Senior TOA is fully empowered to place the applicant under suspension as per sub clause (1) of Rule 30 of BSNL CDA Rules, 2006. The applicant had not applied for allotment of departmental quarters. Annexures A11 and A12 are also fabricated. In 2011 at the time of filing OA No. 593 of 2011, these were not produced by the applicant. However, they were also not produced before the respondents. Though options were called for in 2010 from Senior TOAs working at Mavelikkara for transfer on rotational basis the applicant did not make any representation. Almost all the points raised by the applicant in this OA have already been considered by this Tribunal in OA No. 593 of 2011. The applicant could have approached the respondents with her request if she wanted to be heard in person. The applicant used to misbehave with her colleagues, subordinate staff, superiors and even before the public for which she was punished in the past.

4. We have heard the learned counsel for the parties and perused the records.

5. The applicant's grievances about denial of promotion and transfer, non-allotment of quarters etc. have been the subject matter of OA No. 593 of



2011. The same cannot be raised again in this OA. As regards the impugned order there was no specific mention in the direction given by this Tribunal to give the applicant a hearing. If at all she wanted an opportunity of being heard she could have very well approached the respondents. There is no merit in the contention of the applicant that the Divisional Engineer was not empowered to place her under suspension. Regularization of the period of suspension with effect from 10.5.2011 to 18.1.2011 and payment of salary and the other consequential benefits to the applicant would arise only after completion of the departmental proceedings against her. The applicant has not controverted the submission of the respondents that Annexures A7, A11 and A12 are fabricated. We do not find any merit in the contentions of the applicant. Accordingly, the Original Application is dismissed. Taking a lenient view no cost is imposed on the applicant.



**(K. GEORGE JOSEPH)**  
**ADMINISTRATIVE MEMBER**



**(JUSTICE P.R. RAMAN)**  
**JUDICIAL MEMBER**

**“SA”**