

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 332 of 2011

This the 17th day of August, 2011

Hon'ble Mr. Justice Alok Kumar Singh , Member-J
Hon'ble Mr. S.P. Singh, Member-A

Yogendra Kumar Tripathi, Aged about 33 years, S/o Sri Dilip Tripathi,
R/o Surya Nagar, Manak Nagar, Lucknow.

.....Applicant

By Advocate : Sri Praveen Kumar

Versus.

1. General Manager, Telecom, Bharat Sanchar Nigam Limited, Muaffar Nagar.
2. The Deputy General Manager, Telecom, Bharact Sanchar Nigam Limited, Muaffar Nagar.
3. The Assistant General Manager (Administration), Telecom Bharat Sanchar Nigam Limited, Muzaffar Nagar.
4. The General Manager, Telecom Projects A-1/4, Aliganj, Lucknow.

.....Respondents.

By Advocate : Sri G.S. Sikarwar

ORDER (Oral)

By Justice Alok K Singh, Member-J

Heard the learned counsel for the parties and perused the material on record.

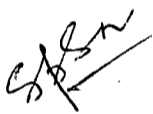
2. Learned counsel for the applicant submits that an administrative appeal dated 5.7.2011 (Annexure A-7) is still pending with the respondents even after lapse of about a month. On the other hand, the respondents are adamant to implement the order, in question, by means of which penalty of withholding of two future increments of pay with cumulative effect from the date of issue of the order has been imposed and this order is said to have been passed under relevant Rules of BSNL CDA Rules 2006. It is also said on

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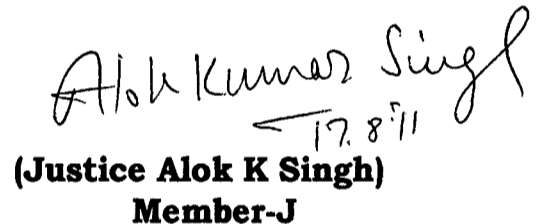
behalf of the applicant that he was issued a charge-sheet for minor penalty, but the penalty which has been imposed has an effect of a major penalty. The aforesaid relevant rules could not be produced before this Tribunal to arrive at a prima-facie conclusion at this stage. However, the learned counsel for the applicant wants to confine his request only to the extent that the respondents may be directed to dispose of pending appeal within a reasonable time and, therefore, we are not adverting to the other grounds and pleadings mentioned in the O.A.

3. Learned counsel for the respondents says that this O.A. is premature.

4. In view of the aforesaid facts & circumstances and to meet the ends of justice, without entering into the merits of the case at this stage, we dispose of this O.A. finally with a direction to the respondents to decide the pending appeal dated 5.7.2011 (Annexure A-7) within a period of three months from today. No order as to costs.



(S.P. Singh)
Member-A



(Justice Alok K Singh)
Member-J

Girish/-