

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ORIGINAL APPLICATION No.254 / 2006

Lucknow this, the 28th day of August , 2006.

HON'BLE SHRI. M. KANTHAIAH, MEMBER (J)

Dinesh Kumar Bais, aged about 48 years, son of Late Keshav Ram Bais, R/O No. A-68, Avas Vikas Colony, Sitapur. Presently working as a.A.O. (Mobile) Office of GMTD Lakhimpur-Kheri.

Applicant.

By Advocate Shri S.K.Maurya.

Versus

1. Union of India, through Secretary, Telecommunication situated at the office of the president of India, New Delhi (Appellate Authority)
2. Member (Finance) Telecom Commission, R. 915, Sanchar Bhavan, 20, Ashoka Road, New Delhi.

Respondents.

By Advocate Shri G.S. Sikarwar.

Order (Oral)

By Hon'ble Shri M. Kanthaiah, Member(J)

This application filed by the applicant for giving direction to the first respondent to decide his appeal which is pending since 24.1.2005 against the punishment order dated 29.11.2004 by the Respondent No. 2. The applicant who was initially posted as Technician and subsequently, was promoted as Accounts Officer in the office of Telecom Divisional Manager at district Unnao.

2. The respondents has taken preliminary objection stating that the applicant has been absorbed in Bharat Sanchar Nigam

Limited vide Presidential order dated 17.1.2005 and he is no more a Government servant and he has to prefer an appeal before the appellate authority ^{against} in Bharat Sanchar Nigam Limited but not the first respondents.

4. Heard both sides.

5. The point for consideration is whether the applicant is entitled as prayed for.

5. The applicant has been working in BSNL and order dated 17.1.2005 clearly shows that he has been absorbed in BSNL w.e.f. 1.10.2000 FN itself on permanent absorption. Though second respondents [✓] have passed punishment order in respect of the charges leveled against him, while he was working in the department and after conducting enquiry, he passed punishment order covered under annexure A1 dated 29.11.2004. Thereafter, the applicant has preferred an appeal ^{to the president of India} ~~before 1st respondents~~ and filed this application to give direction to the first respondents [✓] to decide his pending appeal.

6. When the applicant is not in the service of respondents and when he has been working in BSNL, his appeal ~~respondents~~ [✓] to give direction to the first respondents for consideration of his appeal without approaching appellate authority of BSNL is not maintainable. Further such appeal to the President of India is also not at all maintainable. Thus the application is dismissed at this stage of admission on preliminary objections.

(M. Kanthaiah)
Member (J)

28-2-06