

Central Administrative Tribunal Lucknow Bench Lucknow.

Original Application No. 533/2009

This, the 5<sup>th</sup> day of January, 2009

Hon'ble Ms. Sadhna Srivastava, Member (J)

Hon'ble Dr. A. K. Mishra, Member (A)

Hari Narain Verma, aged about 52 years S/o Late Kali Charan, R/o Type IV/2, BSNL Telecom Colony, Lakhnupur, Kanpur.

Applicant

By Advocate Sri R.C. Saxena.

Versus

1. Bharat Sanchar Nigam Ltd, through its Chief Managing Director, Bharat Sanchar Bhawan, Harishhandra Mathur Lane, Janpath, New Delhi-1.
2. General Manager Telecom, Telecom District, BSNL, Doorsanchar Bhawan, Mall Road, Kanpur (UP)
3. Chief General Manager Telecom, UP (East) Telecom Circle, Hazratganj, Lucknow.

Respondents

By Advocate Sri G.S. Sikawar.

Order (Oral)

By Hon'ble Dr. A. K. Mishra, Member (A)

This application has been made for quashing of the suspension order dated 31.7.2009 passed by Respondent No. 2 in contemplation of initiation of disciplinary proceedings against the applicant. A further prayer has been made to set aside the order dated 26.10.2009 of the respondent authority by which the suspension order has been extended



for a further period of three months. According to the applicant, the respondent No.2 is not competent under Rule 30 (1) of BSNL Conduct, Discipline and Appeal Rules to pass the impugned order of suspension which being a bald one without disclosing any material facts on the basis of which disciplinary enquiry is being contemplated against the applicant, nor about violation of any specific rule and regulation relating to ISD bulk connections given to M/S Vertex Global Kanpur is liable to be set aside. Even if this suspension order was passed at the stage of contemplation, no charges have been filed against the applicant even after lapse of 5 months from the date of suspension. The committee members who recommended extension of the suspension order allegedly did not apply their mind to the facts of the case before making the recommendation for extension. According to the applicant, the General Manager(Respondent No. 2 ) who passed the suspension order and the Deputy General Manager concerned are equally responsible in the matter of providing Mobile ISD facility for bulk connections to M/S Vertex Global Kanpur. Since, respondent No. 2 was also involved in the transaction , he could not have acted as the disciplinary authority and the matter should have been referred to the BSNL Management for nomination of the ad-hoc disciplinary authority.

2. The learned counsel for the respondents raised the preliminary objection about territorial jurisdiction of this Bench in entertaining the present application. According to him, the impugned order was passed by



the General Manager of BSNL whose office is located at Kanpur. The applicant was also working and having residence at Kanpur. Admittedly, the cause of action both in respect of the impugned orders dated 31.7.2009 and 26.10.2009 have arisen from the office of General Manager, BSNL Kanpur. Therefore, this Bench not having territorial jurisdiction over Kanpur could not entertain the present application.

3. The learned counsel for the applicant submits that an appeal dated 5.12.2009 has been filed against the suspension order to the appellate authority whose office is located at Lucknow. He further submits that the purpose of this application would be served if a direction is issued to the appellate authority to dispose of the pending appeal according to rules within a time frame. In such circumstances, the learned counsel for the respondents did not press his objection on jurisdiction nor about the prayer for a direction to the Chief General Manager Telecom, UP (East) Telecom Circle, Hazratganj, Lucknow, who is the appellate authority, to dispose of the pending appeal within a time frame.

4. We, therefore, direct the competent authority before whom an appeal has been filed against the impugned order of suspension to dispose of the pending appeal of the applicant by passing a reasoned and speaking order within a period of three weeks from the date of supply

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of a copy of this order. Needless to say that we have not expressed any opinion on the merits of the case.

5. Accordingly, this application is disposed of. No costs

*Apr 17/21*  
(Dr. A. K. Mishra)

Member (A)

*Ms. Sadhna Srivastava*  
(Ms. Sadhna Srivastava)  
Member (J)

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