

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Coram: Hon'ble Mr. Justice Birendra Dikshit - Vice Chairman
Hon'ble Mrs. Shantha Shastry - Member (A)

ORIGINAL APPLICATION NO. 810 OF 2001 Dt- 28/11/2003

M.G. Kangani,
Sub Divisional Engineer,
Prabhadevi Telephone Exchange,
Dadar, Mumbai - 400 028.
R/o 501-A, Kalikar Darshan,
Dr. Bhavani Shankar Road,
Dadar (West),
Mumbai.
(By Advocate Shri N.P. Bapat)

- Applicant

VERSUS

1. Union of India
through the Secretary,
Department of Telecommunications,
Government of India,
Sanchar Bhawan,
20, Ashoka Road,
New Delhi - 110 001.
2. The Member (Telecom Services),
Sanchar Bhawan,
Telecom Commission,
20, Ashoka Road,
New Delhi 110 001.
3. The Chief General Manager,
Mahanagar Telephone Nigam Ltd.,
Telephone House, 15th Floor,
V.S. Marg, Dadar (West),
Mumbai - 400 028.

- Respondents

ORAL ORDER

Per Hon'ble Mrs. Shantha Shastry - Member (A) -

The applicant who was working as a Sub Divisional Engineer since 27.7.1994 was suspended on 19.8.1999 for accepting a bribe of Rs.1500. The applicant had approached this Tribunal earlier in OA 519 of 2000 with a prayer to quash and set aside the orders dated 4.10.1999 and 24.3.2000 declining to revoke the suspension and to reinstate him with full back wages and continuity of service and consequential benefits. The applicant had also prayed for revision of his subsistence allowance upto 90%. This OA was disposed of on 16.11.2000 with a direction that

the Member Telecom Commission should decide the appeal of the applicant within a period of six weeks, if not already decided by a speaking order. Now the appeal of the applicant dated 14.3.2000 has been decided on 27.12.2000 by an order passed by Member (Services) from the Department of Telecommunication.

2. The applicant is aggrieved by this impugned order of 27.12.2000 and seeks quashing of the order of suspension once again and reinstatement with revision of his subsistence allowance to 90%. In short, the prayer is the same as in the previous OA.

3. The learned counsel for the applicant submits that though the Tribunal had directed to decide the appeal of the applicant by a speaking order, the impugned order is not at all a speaking order. No proper reasons have been assigned for not revoking the order of suspension of the applicant. The learned counsel has elaborately discussed what should be a speaking order and according to him the suspension is rightly described as a big punishment and torture and the applicant has also been refused to be given a personal hearing despite his specific request. The order is also against the guidelines for suspension of employees.

4. We have heard the learned counsel for applicant and have perused impugned order. We do not find that the aforesaid order is not a speaking order. It has been clearly mentioned in this order that the offence allegedly committed by the applicant of demanding and accepting the amount of Rs.1500/- from the subscriber, showing official favour in the presence of independent witness is of a very serious nature. The applicant was caught red-handed by Anti-Corruption Bureau while accepting

the money which is a criminal offence. The respondents have taken a conscious decision therefore not to revoke the suspension. In the circumstances, the order of the respondents cannot be found fault with. In fact there is a provision in the rules to review the suspension from time to time. Therefore the applicant will have the opportunity to approach the respondents again to review his order of suspension after some interval as per the rules. We, however, do not find any reason to interfere with the impugned order. Accordingly, the OA is dismissed at the admission stage itself. No costs.

Shantha F

(Smt. Shantha Shastry)
Member (A)

B. Diskshit

(Birendra Diskshit)
Vice Chairman

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