

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

APPLICATION NO. _____

Applicant(s)

Advocate for Applicant (s)

Respondent (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

OA No. 394/2005.

26.07.2007.

Mr. C. B. Sharma counsel for the applicant.
 Mr. Tej Prakash Sharma counsel for the respondents.

Learned Counsel for the respondents prays for two weeks time to produce the record. List on 23.08.2007.

Prakash
 (J. P. SHUKLA)
 ADMINISTRATIVE MEMBER

Kul
 (KULDIP SINGH)
 VICE CHAIRMAN

P.C./

23.08.07 Mr. C.B. Sharma, counsel for applicant.
 Mr. T.P. Sharma, counsel for respondents
 Heard. The case stands
 disposed of by a separate order.

Subhandari
 (R.R. Subhandari)
 P.D.

K
 (Kuldip Singh)
 rc

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 23rd day of August, 2007

ORIGINAL APPLICATION NO.394/2005

CORAM :

HON'BLE MR.KULDIP SINGH, VICE CHAIRMAN
HON'BLE MR.R.R.BHANDARI, ADMINISITRATIVE MEMBER

D.L.Verma,
Sub Divisional Engineer,
O/o Telecom District Manager,
Bundi.

... Applicant

(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India through
Secretary to the Govt.,
Department of Telecommunication,
Ministry of Telecommunication & Information
Technology,
Sanchar Bhawan,
20, Ashoka Road,
New Delhi.
2. Chief General Manager (BSNL),
Rajasthan Telecommunication Circle,
Sardar Patel Marg, C-Scheme,
Jaipur.
3. Chairman & Managing Director,
BSNL, A-601, Statesman House,
Barakhamba Road,
New Delhi.

... Respondents

(By Advocate : Shri T.P.Sharma)

ORDER (ORAL)

PER HON'BLE MR.KULDIP SINGH


Heard the leaned counsel for the parties. The applicant has filed this OA thereby praying for the following relief :

"That the entire record relating to the case be called for and after perusing the same respondents may be directed to allow absorption to the applicant in BSNL w.e.f. 1.10.2000 with all consequential benefits."

2. The applicant was initially appointed as Repeater Station Assistant. He was promoted to the post of Junior Telecom Officer and thereafter further promoted to the post of Sub Divisional Engineer. It was submitted that the Government of India took a decision for formation of Bharat Sanchar Nigam Limited (BSNL) and transferred all the assets of Telecom Department to the BSNL w.e.f. 1.10.2000 and all the staff was treated as deemed deputation on the terms and conditions prior to 1.10.2000. It was further submitted that in pursuance of the orders passed by the respondents from time to time, the applicant applied for his absorption in the BSNL in the year 2003 vide Ann.A/2. But request of the applicant for absorption in the BSNL is still pending and has not yet been finalised by the respondents.

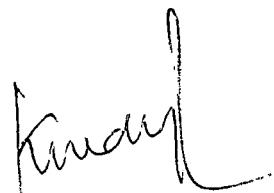
3. In the reply, the respondents have submitted that case of the application for absorption could not be considered due to pendency of a criminal case against him. Learned counsel for the respondents referred to the letter dated 5.3.2001, according to which options are to be taken from the employees against whom disciplinary cases are pending but their absorption will be subject to the outcome of the Vigilance/Criminal cases. He also submitted that it is correct that absorption has to take place on the substantive post held by an employee w.e.f. 1.10.2000 but it will be subject to the outcome of Vigilance/Disciplinary cases.

4. In the present case, the applicant is also facing criminal trial and his case for absorption in the BSNL shall also be considered after clearance of the vigilance case. *Since lie, then if criminal
he cannot be absorbed*

5. Accordingly, the OA stands disposed of with a direction to the respondents to consider the case of the applicant for absorption in the BSNL in case he is acquitted in the criminal proceedings, as per rules. No costs.



(R.R. BHANDARI)
MEMBER (A)



(KULDIP SINGH)
VICE CHAIRMAN

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