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11-12-2012

TA 27/2009

MR. P. N. Jatti - Counsel for applicant
MR. B. N. Saini - Counsel for respondents
MR. R.S. Yadav, SDG (^{Genl} ~~Legal~~) of PGMTD, Jaipur
Departmental Rep. for the respondents.

Arguments heard.

The TA has been disposed of
by a separate order for the reasons
dictated therein.

Anil Kumar
(Anil Kumar)
Member (A)

16.8. Rathore
(Justice. K.S. Rathore)
Member (T)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 11th day of December, 2012

Transferred Application No.27/2009
(S.B.C.W.P. No.254/2003)

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

Ganpat Lal Raiger
s/o Late Shri Bhagirath Mal Ji,
r/o Village and Post Hasteda,
Via Govindgarh, Tehsil Chomu,
District Jaipur

... Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India through the Secretary, Ministry of Telecommunication New Delhi
2. Bharat Sanchar Nigam Limited, 213, Indraprastha Hotel, Ashok Road, New Delhi through Joint Deputy Director General (SR), B.S.N.L. Headquarters.
3. The Sub Divisional Engineer (Staff-II), Office of the Principal General Manager, Telecom District, Jaipur

... Respondents

(By Advocate : Shri B.N.Sandu)

ORDER (ORAL)

Brief facts of the case are that a criminal case under the Prevention of Corruption Act, 1947 and the I.P.C. was registered against the applicant by the Central Bureau of Investigation (CBI) and after investigation challan was filed. The Trial Court convicted and sentenced the applicant to undergo three years R.I. and a fine of Rs. 10,000 for offence u/s 5(2) read with Section 5(1)(c) of the Act of 1947.

2. Vide letter dated 16.10.2002 , it has been communicated to all the C.G.M., BSNL that employees against whom disciplinary case is pending or the penalty imposed on the conclusion of the disciplinary proceedings is current, are not eligible for IDA pay scales till the issue of Presidential order in their cases.
3. Admittedly, the basic pay of Rs. 6970/- was reduced to Rs. 4900/- and the respondents submitted that it has been done in compliance of the order dated 16.10.2002 as the applicant was convicted by the CBI court and sentenced. It is also not in dispute that the Petition u/s 482 Cr. P.C. is pending before the Hon'ble High Court. The applicant has referred the letter issued



by the respondents dated 16.10.2002 and annexed the same as Ann.A/2.

4. Having considered the rival submissions of the respective parties and upon perusal of the material available on record, it appears that in view of the letter dated 16.10.2002, the respondents have not committed any illegality in reducing pay of the applicant and they have rightly reduced the pay of the applicant. The case of Suresh Kumar referred by the applicant is not similar to the case in hand. Shri Suresh Kumar had been granted IDA pay scale on completion of punishment whereas in the case of the applicant the sentence awarded by the Trial Court has been stayed and Petition u/s 482 Cr. P.C. is still pending consideration before the High Court. The applicant is only entitled after the judgment passed by the Hon'ble High Court in the Petition u/s 482 Cr. P.C.

5. In view of this aspect, we find no illegality in the action taken by the respondents and the order impugned by which pay of the applicant has been reduced requires no interference by this Tribunal.



6. Accordingly, in view of above, the TA being devoid of merit fails and the same is hereby dismissed with no order as to costs.

Anil Kumar
(ANIL KUMAR)
Admv. Member

K.S.Rathore
(JUSTICE K.S.RATHORE)
Judl. Member

R/