

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

04.11.2009

OA No. 491/2009

Mr. C.B. Sharma, Counsel for applicant.

Heard learned counsel for the applicant.

For the reasons dictated separately, the OA is disposed of.

PK
(B.L. KHATRI)
MEMBER(A)

M.L.C.
(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 04th day of November, 2009

ORIGINAL APPLICATION NO. 491/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Raj Kishore Dhandhel son of Shri Sohan Lal aged about 46 years, resident of 10/43, New Rajasthan Housing Board Colony, Shiv Singh Pura via Kudli, Sikar and presently working as Chief Accounts Officer (Ad hoc), Office of General Manager, Telecom District Sikar.

.....APPLICANT

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Bharat Sanchar Nigam Limited through its Chairman cum Managing Director, Corporate Office, Bharat Sanchar Bhawan, Harish Chand Mathur Lane, Jan Path, New Delhi.
2. Director (Finance), Bharat Sanchar Nigam Limited (BSNL), Corporate Office, Bharat Sanchar Bhawan, Statesman House, Bara Khamba Road, New Delhi.
3. Chief General Manager, Bharat Sanchar Nigam Limited (BSNL), Rajasthan Telecom Circle, Sardar Patel Marg, Jaipur.
4. General Manager (Finance), Office of Chief General Manager, Bharat Sanchar Nigam Limited (BSNL), Rajasthan Telecom circle, Sardar Patel Marg, Jaipur.
5. Shri Sanjivan Kumar, General Manager, Telecom District, Bharat Sanchar Nigam Limited (BSNL), Sikar.

.....RESPONDENTS

(By Advocate : -----)

ORDER (ORAL)

The applicant has filed this OA against the Memorandum dated 23.10.2009 (Annexure A/1) whereby charge sheet has been issued to the applicant. The grievance of the applicant is that the said charge sheet has been issued by the incompetent authority, as such; this is no charge sheet in the eyes of law. For that purpose, learned counsel

for the applicant has drawn our attention to Para No. 1 of the Memorandum dated 23.10.2009 (Annexure A/1) which stipulates that the competent authority proposes to hold inquiry against the applicant whereas Annexures I to III appended with the Memorandum have been issued at the instance of the General Manager, Telecom District Sikar, who is not a competent authority. Further grievance of the applicant is that in the list of witnesses (Annexure IV), no person has been included as witness in order to prove the contents of the documents relied upon by the department in Annexure III. Thus according to the learned counsel for the applicant, mere exhibition of documents will not prove the contents of the documents and further he will be precluded from cross-examining the author of the document which procedure will be in violation of the principle of natural justice. Further grievance of the applicant is that the charge sheet has been issued for mala fide purpose in order to deprive the applicant from promotional avenue.

2. We have heard the learned counsel for the applicant. We are of the view that the present OA is premature as no departmental proceedings have yet been started by appointing Inquiry Officer. As can be seen from Memorandum dated 23.10.2009 (Annexure A/1), the applicant has been asked to file written statement of his defence. The applicant has not submitted any written statement.

3. In view of what has been stated above and the fact that competency to issue the charge sheet by respondent no. 5 is involved in this case, we are of the view that ends of justice will be served if

direction is given to respondent no. 3 to decide the written statement to be made by the applicant pursuant to the memorandum dated 23.10.2009 expeditiously. Accordingly, the applicant is directed to make such representation/written statement within a period of ten days and respondent no. 3 is directed to pass appropriate order on the written statement/representation to be filed by the applicant to the charge sheet expeditiously. Till such exercise is not done, the respondents are restrained to proceed further by appointing Inquiry Officer. Needless to add that in case the applicant is still aggrieved; he is at liberty to file substantive OA.

4. With these observations, the OA is disposed of at admission stage with no order as to costs.


(B.L. KHATTRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ