

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH**

Jaipur, this the 16th day of March, 2010

ORIGINAL APPLICATION NO. 136/2010

CORAM:

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

Gaj Raj Singh Meena son of Shri Mangi Lal, aged about 56 years, resident of Hindaun City and presently working as Senior Telecom Operating Assistant (Phone) [Sr. T.O.A.(P)] Hindaun City District Karuali.

.....APPLICANT

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

VERSUS

1. Bharat Sanchar Nigam Limited through its Chairman and Managing Director, Corporate Office Statement's House, Barakhambha Road, New Delhi.
2. Chief General Manager, Telecom (BSNL), Rajasthan Circle, Sardar Patel Marg, Jaipur.
3. Telecom District Manager (BSNL), Sawai Madhopur.

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- (i) That by an appropriate direction, punishment order dated 21.01.2010 (Annexure A/1) be quashed and set aside with all consequential benefits.
- (ii) That charge memo dated 16.06.2009 (Annexure A/3) be quashed and set aside, as same is not as per procedure and applicant already transferred on the same allegations with the further proceedings including inquiry report.
- (iii) Any other order, direction or relief be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iv) That the costs of this application may be awarded."

2. Briefly stated facts of the case are that the applicant has been punished by the Disciplinary Authority vide order dated 21.01.2010 (Annexure A/1) pursuant to the inquiry held against him. The applicant has also filed an appeal before respondent no. 2 in the month of February, 2010. The said appeal has not been disposed of so far.

3. Thus in view of the law laid down by the Apex Court in the case of **S.S. Rathore vs. State of M.P.**, AIR 1990 SC 10, this OA cannot be entertained so long as the applicant does not exhaust the statutory remedy. Accordingly, we are of the view that ends of justice will be met if the time bound direction is given to the Appellate Authority to decide the appeal of the applicant. Accordingly, respondent no. 2 is directed to decide the appeal of the applicant by passing a reasoned and speaking order thereby keeping in view the provisions of Rule 51 of BSNL Conduct, Discipline and Appeal Rules, 2006 within a period of three months from today. It will also be permissible for the applicant to make appropriate prayer before the Appellate Authority for staying the operation of the order dated 21.01.2010 (Annexure A/1) passed by the Disciplinary Authority till final disposal of appeal. In case such a prayer is made by the applicant before the Appellate Authority, the Appellate Authority may consider the same.

4. With these observations, the OA is disposed of at admission stage with no order as to costs. It is, however, clarified that in case the applicant is aggrieved by the order to be passed by the Statutory Authority, it will be open for him to file substantive OA.


(B.L. KHATRI)
MEMBER (A)

AHQ


(M.L. CHAUHAN)
MEMBER (J)