

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

Jaipur, this the 30<sup>th</sup> day of March, 2011

**Original Application No.96/2011**

CORAM:

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

Prem Narayan Gupta,  
s/o Roop Narayan Gupta,  
r/o C-16, Pratap Nagar,  
Tonk Phatak, Jaipur,  
presently posted as JTO at TERM Cell,  
Department of Telecommunication,  
Rajasthan.

.. Applicant

(By Advocate: Shri S.K.Singodia)

Versus

1. The Union of India  
through Secretary,  
Ministry of Telecommunication,  
New Delhi.
2. The Chairman,  
Department of Telecommunication,  
Bharat Sanchar Nigam Ltd.,  
Sanchar Bhawan,  
New Delhi.
3. The Chief General Manager,  
Bharat Sanchar Nigam Ltd.,  
Rajasthan Telecom Circle,  
Jaipur.
4. Assistant General Manager (Pers.),  
Office of Principal General Manager,  
Telecommunication Department,  
Rajasthan Telecommunication Circle,  
Jaipur.

5. The Joint Deputy Director General (Senior),  
Bharat Sanchar Nigam Ltd.,  
HC Mathura Lane  
Janpath,  
New Delhi-110 001.

.. Respondents

(By Advocate: ....)

ORDER (ORAL)

The present OA is filed against the letter dated 15.02.2011 whereby the legal notice served by the applicant has been replied and it has been communicated that the option exercised by the applicant for absorption in the Bharat Sanchar Nigam Limited (BSNL) has been finalised and respondents have denied to withdraw the option which has been exercised by the applicant with regard to his absorption in the Department of Telecommunication.

2. The challenge to the letter dated 15.2.2011 has been made mainly on the ground that as per order dated 2.9.2003 issued by the BSNL Headquarter, New Delhi, the option once exercised would be final.

3. It is not disputed that the applicant filled up the option form on 10.10.2003. At the time of submission of the option, the applicant was under suspension and facing criminal trial and as per order dated 2.9.2003 the exercise of option will be treated as final subject to outcome of the vigilance case. By taking advantage of the period from the date of submission of option dated 10.10.2003 till he has been acquitted from the criminal charge by the Trial Court, the



applicant submitted application seeking withdrawal of his option. Since the option had been finalized but was to be acted upon only after final outcome of the vigilance case and as per circular issued by the BSNL Headquarter dated 2.9.2003, the option once exercised by the applicant becomes final and the same cannot be taken back.

4. Thus, we find no merit in this application, which is accordingly dismissed in limine.



(ANIL KUMAR)  
Admv. Member



(JUSTICE K.S.RATHORE)  
Jdл. Member

R/