

ORAL

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD**

(This the **30th Day of August, 2018**)

Hon'ble Mr. Gokul Chandra Pati, Member (Administrative)
Hon'ble Mr. Rakesh Sagar Jain, Member (Judicial)

Original Application No.330/855/2018
(U/S 19, Administrative Tribunal Act, 1985)

Ajay Pal Singh son of Jabar Singh, R/o Chandrasheel Nagar, District Budaun.
Presently posted as Senior Divisional Engineer, City Budaun.

..... **Applicant**

By Advocate: **Shri Rishi Kumar**

Versus

1. Bharat Sanchar Nigam Limited (BSNL), through its Chairman, Sanchar Bhawan 20 Ashok Road, New Delhi -1.
2. Assistant General Manager office of Chief General manager, Bharat Sanchar Nigam Limited (BSNL), U.P. West Circle Telephone Exchange Building, Tejgarhi Chauraha, Garh Road Shasti Nagar, Meerut.
3. Assistant General Manager (Admn.) Principal General Manager Telecom, Bharat Sanchar Nigam Limited, Bareilly.
4. Divisional Engineer (Administration) Telecom, District Manager Bharat Sanchar Nigam limited, Budaun.
5. Account Officer (Cash), Telecom, District Manager, Bharat Sanchar Nigam Limited, Budaun.
6. Charan Singh, the then Telecom, District Manager, Bharat Sanchar Nigam Limited, Budaun. Now posted as Divisional engineer (Administration) Telecom, District Manager, Bharat Sanchar Nigam limited, Budaun.

..... **Respondents**

By Advocate: **Shri S.K. Mishra**

O R D E R

Delivered by Hon'ble Mr. Gokul Chandra Pati, Member (A)

Heard Shri Rishi Kumar, counsel for the applicant and Shri S.K. Mishra, counsel for the respondents.

2. Counsel for the applicant submitted that vide order dated 08.06.2018 an amount of Rs.1,84,472/- has been ordered to be recovered

from the applicant and the said recovery has been ordered without giving any opportunity of hearing to the applicant. It is also submitted that applicant has moved a representation to the respondent No.5 to this effect on 05.07.2018 (Annexure A-7 to the O.A.) which is still pending for disposal. Counsel for the applicant, further, submitted that grievance of the applicant will be redressed at this stage if a direction is given to the respondent No.5/Competent Authority to decide the representation of the applicant dated 05.07.2018 (Annexure A-7) by reasoned and speaking order within a stipulated period of time. Learned counsel for the respondents requests for some time to seeks instruction in the matter.

3. In view of the submissions made by both the parties, we are of the view that no useful purpose will be served to keep this OA pending as the matter can be resolved by taking the decision on the pending representation of the applicant as per rules. Hence, without commenting anything on the merits of the case, the O.A. is disposed of at the admission stage with the direction to the respondent No.5/Competent Authority to decide the representation of the applicant 05.07.2018 (Annexure A-7 to the O.A.) as per rules by passing a reasoned and speaking order, within a period of one month from the date of receipt certified copy of this order and communicate the copy of said order to the applicant.

4. Till the disposal of the representation dated 5.7.2018, no recovery shall be effected in pursuance of the impugned orders dated 08.06.2018 and 28.06.2018.

5. Copy of this order be given to the counsel for both the parties. No costs.

(Rakesh Sagar Jain)
Member – J

(Gokul Chandra Pati)
Member – A

Sushil