

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/475/2017

DATED THIS THE 18TH DAY OF JULY, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI DINESH SHARMA, MEMBER(A)

Sri. R. Shankarappa, 59 years,
S/o Late Sri. Rangappa,
Occn: Senior Sub-Divisional Engineer,
O/o General Manager (West),
5th Floor, Telephone Exchange Building,
Vijayanagar, Bengaluru-560 040. ...Applicant.

(By Advocate Shri P.A. Kulkarni)

Vs.

1. Bharat Sanchar Nigam Limited,
by its Chairman and Managing Director,
Corporate Office (Personnel – II Section)
Bharat Sanchar Bhawan,
4th Floor, Janpath,
New Delhi: 110 001.
2. Department of Telecommunications,
To be represented by its Secretary,
Sanchar Bhavan, 20, Ashoka Road,
New Delhi-110 001.
3. Chief General Manager Telecom,
Karnataka Telecom Circle, BSNL,
No.1, S.V. Road,
Halasuru, Bengaluru: 560 008.
4. The Principal General Manager,
Bengaluru Telecom District (BGTD),
Telephone House,
Rajbhavan Road,
Bengaluru – 560 001.
5. Sri Shambulinga Hegde,
Chief Accounts Officer (TR) (South East)
Jayanagar Telephone Exchange,
3rd Floor, 35th Cross, 9th Main,
4th Block, Jayanagar,
Bengaluru-560 011.

6. Sri P. Anjaneya,
 Accounts Officer (TR Section),
 3rd Floor, Vijayanagar Telephone Exchange Building,
 Vijayanagar, Bengaluru-560 040. ...Respondents.

(By Shri K. Rama Bhat for R-1,3-6
 Shri N. Amaresh, Sr. Panel Counsel for R-2)

O R D E R (ORAL)

HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. The only short question in this matter is that once the BSNL had relieved the applicant from its service and DOT had assumed jurisdiction over him, the matter is now in the Court of DOT. But in the interregnum, since the applicant had retired, it might be appropriate for initiation of proceedings under Rule 9, even though two views may be available on this. By an abundant caution, they also may look into it. At this time Shri P.A. Kulkarni, learned counsel for the applicant questions as to how the Inquiry Officer and Presenting Officer appointed were BSNL employees. That cannot be. If DOT attempts an enquiry, then it has to be their employees or even retired employees from them, it is possible only then.

2. Therefore, we will remit the matter now back to DOT to do the needful as the case may be, in accordance with law.

3. OA is disposed of as above. No order as to costs.

(DINESH SHARMA)
 MEMBER(A)

(DR. K.B. SURESH)
 MEMBER(J)

Annexures referred to by the applicant in OA.No. 475/2017

Annexure A-1: Order dated 22.4.2014 in Criminal Appeal No.277/2014.

Annexure A-2: Charge Memo dated 25.1.2007 issued under Rule 36 of BSNL (CDS) Rules 2006.

Annexure A-3: DOT order dated 27.9.2007 to BSNL.

Annexure A-4: Charge Memo dated 04.12.2008 issued under Rule 14 of CCS (CCA) Rules 1965.

Annexure A-5: Order dated 19.2.2009 re-appointment of IO.

Annexure A-6: Order dated 19.2.2009 re-appointment of Presenting Officer.

Annexure A-7: CAT BG Order dated 15.3.2012 in OA.67/2010.

Annexure A-8: Order dated 14.7.2015 re. change of Inquiry Officer.

Annexure A-9: Order dated 30.10.2015 re. Correction in order dated Ann.-A8.

Annexure A-10: DOT order dated 01.6.2012 to BSNL.

Annexures referred to by the respondents in the Reply.

Annexure R-1: Copy of the Office Note dated 10.09.2003.

Annexure R-2: Copy of the Letter dated 22.09.2003.

Annexure R-3: Copy of the Letter dated 08.02.2001.

Annexure R-4: Copy of the Representation dated 05.05.2015.

Annexure R-5: Copy of the Representation dated 19.10.2015.

Annexure R-6: Copy of the letter dated 18.01.2016.

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