

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/486/2017

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,
Raj Bhavan Road,
Bengaluru – 560 001.
5. Sri Athenam Alagaiah,
Deputy General Manager (EB),
609, 6th Floor, Telephone House,
Raj Bhavan Road,
Bengaluru – 560 001.

6. Sri S. Sriram,
Senior Section Supervisor,
Office of AGM (Establishment)
Ground Floor, Telephone House,
Raj Bhavan Road, Bengaluru – 560 001. ...Respondents.

(By Shri K. Rama Bhat for R-1,3-6
Shri N. Amaresh, ACGSC 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)

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Annexures referred to by the applicant in OA.No. 486/2017

Annexure A-1: Order dated 08.4.2014 in Criminal Appeal No.195/2014.

Annexure A-2: Copy of the interim order of stay dated 07.9.2017 passed in companion OA No.475/2017.

Annexure A-3: Charge Memo dated 27.5.2006 issued by R-4 under Rule 14 of CCS (CCA) Rules.

Annexure A-4: R-4 Order dated 23.11.2006 appointing IO.

Annexure A-5: R-4 Order dated 23.11.2006 appointing of Presenting Officer.

Annexure R-6: Corrigendum dated 29.11.2006 to IO for holding inquiry under Rule 36 of BSNL (CDA) Rules 2006.

Annexure R-7: Corrigendum dated 29.11.2006 to PO for holding inquiry under Rule 36 of BSNL (CDA) Rules 2006.

Annexure A-8: Order dated 04.9.2008 in OA.273/2007.

Annexure A-9: DOT communication dated 27.9.2007 to BSNL.

Annexure A-10: R-4 Order dated 21.11.2008 appointing IO & PO to hold inquiry under CCS(CCA) Rules.

Annexure A-11: Order dated 13.2.2012 in OA.410/2008.

Annexure A-12: DOT communication dated 01.6.2012 to BSNL.

Annexure A-13: R-4 Order dated 11.12.2012 changing IO.

Annexure A-14: R-4 Order dated 30.10.2015 changing PO.

Annexures referred to by the respondents in the MA.

Annexure MA-1: F.No.9-119/2002-Vig(pt).

Annexure MA-2: Letter No.9-119/2002-VIG-1/Pt. Dated 26.5.2003.

Annexure MA-3 (Series): Copy of representations by the applicant.

Annexure MA-4: Copy of letter No.13-3/2000-Vig.III dated 08.02.2001.

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