

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00017/2018

DATED THIS THE 09TH DAY OF JANUARY, 2018

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

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

K. Vithal Rao,
S/o Chandramappa,
Aged 58 years,
Working as Divisional Engineer, BSNL,
New Telecom Building,
Devraj Urs Road,
Bengaluru – 560 001.
R/at No. 1778,
Sri Sai Banashankari Nilaya,
8th Block, Vishveshwarayya Nagara,
Bangalore – 560 091.

.....Applicant

(By Advocate Shri H. Mohan Kumar)

Vs.

1. The Chief General Manager Maintenance
Southern Telecom Region, BSNL
Chennai – 600 032.

2. Principal General Manager Maintenance,
Southern Telecom Region, BSNL,
Bengaluru – 560 041

....Respondents

ORDER (ORAL)

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

Heard. The facts of the case are as under:

The applicant alleged that he belong to Gonda community which is in the Scheduled Tribe. Apparently somebody had filed a complaint against this

and the District Caste Verification Committee had cancelled the caste certificate issued to him. Thereupon since he had obtained the job under false pretences or allegedly so, the department had conducted a departmental enquiry in which allegedly the facts were not proven but the Disciplinary Authority had issued a disagreement note and obtained certain clarification from the applicant. On the basis of this clarification, the applicant was placed in suspension which he now challenges.

2. In the interregnum, against the order of the District Caste Verification Committee the applicant had sought the juncture of the Hon'ble High Court of Karnataka in Writ Petition No. 6646/2017. Therefore the action of the concerned authority in not terminating the service of the applicant *ipso facto* and only keeping him under suspension seems to be right and proper. The grievance of the applicant, if any, can only be now set at right by the Hon'ble High Court which has the seisin of the matter. Therefore we hold that the impugned order is right and proper and therefore the OA will not survive.

3. The OA is dismissed. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

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

Annexures referred to by the applicant in OA No.170/00017/2018

Annexure A-1: Copy of Article of Charges dated 19.08.2015

Annexure A-2: Copy of Inquiry Report dated 24.06.2017

Annexure A-3: Copy of letter No. PGMM/STR-BG/CONFIDENTIAL/VITHAL RAO/42 dated 14.07.2017

Annexure A-4: Copy of order No. CGM/STA/CD/KVR/BG/14-17/43 dated 07.07.2017

Annexure A-5: Copy of representation of the applicant dated 22.07.2017

Annexure A-6: Copy of suspension order No. CGM/STA/CD/KVR/BG/14-15/56 dated 22.12.2017

Annexure A-7: Copy of BSNL CDA Rules, 2006
