

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

OA/020/850/2018

Date of Order: 04.09.2018

Between:

M.N. Ramana Rao,
Working as TTA (JE),
H.R. No.99602788,
Telephone Exchange,
Kamavarapu kota,
W.G. District, A.P.

... Applicant

AND

1. The Union of India rep. by
the General Manager,
Telecom District, BSNL,
West Godavari, SSA,
ELURU, W.G. District. (A.P.)
2. The Senior General Manager,
Telecom District, BSNL,
Eluru – 542 002,
West Godavari District (A.P.)
3. The Chief General Manager,
Telecom, Andhra Pradesh Circle,
BSNL Bhavan, 4th floor,
Chuttugunta, Vijayawada,
Krishna District (A.P.) – 520 004.

... Respondents

Counsel for the Applicant : Mr. Willian Burra

Counsel for the Respondents : Mr. M. Brahma Reddy,
SC for BSNL

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDICIAL MEMBER
THE HON'BLE MR. B.V. SUDHAKAR, ADMIN. MEMBER

ORAL ORDER

(Per Hon'ble Mr. Justice R. Kantha Rao, Judicial Member)

Heard Shri William Burra, learned counsel appearing for the Applicant and Shri Bhim Singh representing Shri M. Brahma Reddy, learned Standing Counsel appearing for the Respondents.

2. The Applicant while working as a Junior Engineer (now re-designated as TTA) at Kamavarapukota, remained absent for duties for a total period of 242 days. According to the Applicant, he became sick and, therefore, he was unable to attend to duty whereas as per the department he was absconding from the duties. However, Annex.A-I & A-II charges were framed against the Applicant alleging that he was unauthorizedly absent. It is the version of the Applicant that he sent medical certificates issued by Medical Superintendent of Government General Hospital, Kakinada who mentioned in the certificate that the Applicant became sick and was advised to take rest. However, the leave application submitted by the Applicant was not supported by any medical certificate and the said medical certificate was sent subsequently.

3. Not accepting the explanation offered by the Applicant, the

Disciplinary Authority appointed an Inquiry Officer and an inquiry was held against the Applicant. According to the department, the Applicant admitted the charges before the Inquiry Officer and the Inquiry Officer finding him guilty has sent up a report to the disciplinary authority. The disciplinary authority in consideration thereof, after affording an opportunity to the Applicant, imposed the penalty of withholding of two increments without cumulative effect. Feeling aggrieved, the Applicant filed an appeal dated 7.10.2015 and the appeal was rejected by the appellate authority on the ground that it is barred by limitation under Rule 47 of the BSNL CDA Rules, 2006. Against the order passed by the appellate authority, the applicant preferred a review petition and the same was rejected on the ground that it was time barred. The disciplinary authority recorded a specific finding that in his explanation the Applicant stated about his personal problems and submitted that since his health condition was improved, he would be able to discharge the duties sincerely and requested the disciplinary authority to consider his case sympathetically. On that the above punishment was imposed on the Applicant.

4. Admittedly, the leave application submitted by the Applicant initially was not supported by any medical certificate. Subsequently, he submitted some medical certificates which were not accepted by the inquiry officer as well as the disciplinary authority. In regard to the charge of unauthorized absence for 242 days, punishment of withholding of two increments without cumulative effect was imposed on the Applicant. The disciplinary authority took a lenient view. Therefore, the quantum of

punishment does not require any interference.

5. For the foregoing reasons, we do not see any valid reason to admit the O.A. Therefore, the O.A. is dismissed at the stage of admission. No costs.

(B.V. SUDHAKAR)
ADMN. MEMBER

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

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