

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

Original Application No.1506 of 2012  
AND

MA.No.240/2013 in OA.No.1506/2012  
Date of order : 20-02-2018

Between :

M.S.S.Rama Murthy S/o Late M.Thimmeswara Rao,  
Aged about 53 years,  
Occ : Deputy General Manager,  
O/o General Manager (Development),  
Information Technology Project Circle, BSNL,  
6<sup>th</sup> Floor, Telephone Bhavan, Saifabad, Hyderabad. ....Applicant

AND

1. The Union of India rep by its Secretary,  
Department of Telecommunications,  
20 Asoka Road, New Delhi – 110001.
2. Bharat Sanchar Nigam Limited,  
Rep by its Chairman cum Managing Director,  
BSNL Corporate Office, Bharat Sanchar Bhavan,  
4<sup>th</sup> Floor, Janpath, New Delhi – 1.
3. The Chief General Manager, Telecom,  
Information Technology Project Circle,  
RTTC Building, Plot No.G-121 & 122,  
MIDC, Chindhwad, Pune, Maharashtra.
4. The General Manager (Development),  
Information Technology Project Circle, BSNL,  
6<sup>th</sup> Floor, Telephone Bhavan, Saifabad, Hyderabad.
5. The Deputy General Manager (Personal),  
BSNL Corporate Office, 4<sup>th</sup> Floor,  
Bharat Sanchar Bhavan, Janpath,  
New Delhi – 1. ...Respondents

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Counsel for the Applicant : Dr.A.Raghu Kumar  
Counsel for the Respondents : M/s K.Sri Devi, SC for BSNL

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CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDICIAL MEMBER  
THE HON'BLE MRS. MINNIE MATHEW, ADMINISTRATIVE MEMBER

(Oral order per Hon'ble Mr.Justice R.Kantha Rao, Judicial Member)

(Oral order per Hon'ble Mr.Justice R.Kantha Rao, Judicial Member)

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Heard Mr. Pavan Kumar representing Dr.A.Raghu Kumar, learned counsel for the applicant and Mrs.K.Sri Devi, learned Standing Counsel for Respondents.

2. The applicant initially joined in the erstwhile Department of Telecom as Jr. Engineer which is now re designated as Jr. Telecom Officer. He was promoted as Sub Divisional Engineer in the year 1994 and further promoted as Divisional Engineer in the year 2004. Subsequently on the basis of option exercised by him, he was absorbed into BSNL on 01.10.2000. He was further promoted as Executive (DGM of Telecom Operations Stream) on adhoc basis vide order of 2<sup>nd</sup> Respondent dated 08.02.2012. An employee in the cadre of JTO working under the control of the applicant applied for leave and the applicant under his normal administrative powers recommended sanction of leave. It is submitted by him that at the time of recommending the leave of the said officer by name Smt. G. Suchitra, he was not aware that she and another lady Executive availed leave while staying away of India without NoC.

3. After the applicant sanctioning leave to the said officer, the 5<sup>th</sup> Respondent passed an order of reversion dated 21.12.2012 against him to the substantive grade of Divisional Engineer, Telecom (Operations), which is impugned in the present OA.

4. It is submitted by the learned counsel appearing for the applicant that the Respondents issued only a charge memo dated 02.11.2012 but without conducting any enquiry passed a final order in respect of the charge levelled against him and the same is unsustainable in law.

5. The Respondents have filed reply statement relying on the instructions issued by DOP/T and BSNL (WS/O&M Section) letter No.10-02/2007-ES&I/O&M/Part.II, dated 11.05.2007, which is extracted below :

“DOP&T instructions: “where an appointment has been made purely on adhoc basis against a short term vacancies or a leave vacancy if the Govt. Servant is appointed to officiate until further order in any other circumstances has held the appointment for a period less than one year, the Govt. Servant shall be reverted to the post held by him substantively or on regular bases, when disciplinary proceedings is initiate against .”

6. Normally revision in rank which is a major penalty cannot be imposed against a Government employee without there being a punishment imposed on him in the regular departmental enquiry held against him. However, the learned Standing Counsel for the Respondents submits that as the enquiry is completed the order of reversion is passed. Therefore we do not wish to pronounce upon the said Rule which authorizes the Respondents to revert an employee without imposing any penalty on him in a regular Departmental Enquiry. More particularly in view of the fact that this Court passed an interim order dated 27.12.2012 suspending the operation of the order passed by the Respondents against the applicant and the applicant has been continuing in the promotional post as on date.

7. In view of the aforesaid circumstances we wish to dispose of the OA directing the Respondents to continue the applicant in the promotional post subject to the result passing of the final order in the Departmental Enquiry held against him. Consequently the Respondents are directed to continue the applicant in the promotional post subject to the final orders in the enquiry which is pending against him. The impugned order No.314-13/2010-Pers.I(Pt) dated 21.12.2012 of the 5<sup>th</sup> respondent and consequential order of the 3<sup>rd</sup> respondent No.IPC/1081-A/07/13, dated 24.12.2012 are set aside.

8. The Original Application is accordingly disposed of. In view of the final disposal of the OA, no further orders are necessary in MA No.240/2013. Accordingly the MA No.240/2013 is dismissed.

9. No order as to costs.

(MINNIE MATHEW)  
ADMINISTRATIVE MEMBER

(R.KANTHA RAO)  
JUDICIAL MEMBER

Dated : 20<sup>TH</sup> February, 2018.  
Dictated in Open Court.

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