

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 162 of 2018

This the 21st day of May, 2018

Hon'ble Dr. Murtaza Ali, Member-J

Azam Siddiqui, aged about 51 years, S/o late Sri Bedi, Present Resident of C/o Mhd. Niyaz Ahmad, 56 Adil Nagar, Tedhi Pulia Chauraha, Kursi Road, Lucknow. 226021

.....Applicant

By Advocate : Sri Praveen Kumar

Versus.

1. Union of India through the Secretary, Department of Telecommunications, Sanchar Bhawan, 20 Ashoka Road, New Delhi.
2. The Chief Managing Director, Bharat Sanchar Nigam Ltd., Corporate Office, New Delhi.
3. The Chief Vigilance Commission Satarkata Bhawan, A Block, GPO Complex, INA, New Delhi.

.....Respondents.

By Advocate : Mohd. K. Khan for R-1 & R-3 and Sri G.S. Sikarwar for R-2

O R D E R (Oral)

The applicant has filed this O.A. under Section 19 of Administrative Tribunals Act, 1985 seeking the following main relief(s):-

“(i) to decide the representation submitted by the applicant on 21.3.2018 (contained as Annexure no. A-6 to this O.A.) in view of the report submitted by the Committee on 16.12.2015, with all consequential benefits.”

2. Brief facts giving rise to this Original Application are that a charge-sheet was issued to the applicant while he was working as TDM at Hazipur on 10.10.2006 by leveling five charges. It is averred that out of five charges, four charges were leveled by Sri Shyam Babu, the then DGM (P&D), Allahabad whose involvement in irregular ISD calls was disclosed to CVC. On 11.7.2005 the applicant submitted a PIDPI complaint to CVC, which was clubbed with another complaint to the CVC registered as PIDPI Complaint dated 10.6.2005 for investigation and action against the revenue

losses to BSNL due to illegal routing of ISD calls at Allahabad, but vigilance unit of DoT considered the information regarding ISD calls as fake information. It is further averred that on 10.10.2006 a chargesheet under minor departmental proceeding was issued to the applicant, which was challenged by the applicant in O.A. no. 1003/2007, which came to be allowed. Thereafter, the matter went to Hon'ble Supreme Court, which directed the applicant to submit a representation which would be considered by the departmental authority. In pursuance thereof, a charge-sheet was issued to the applicant on 21.10.2009. On receipt of charge-sheet, the applicant demanded detailed enquiry in the matter, which is still going on.

3. Perusal of charge-sheet would reveal that charge nos. 1 to 4 pertains to the year 2003 and they have been dragged into picture by the then DGM (P&D), Allahabad and the charge no.5 pertains to the complaint submitted by the applicant under PIDPI resolution. A Writ petition bearing Writ petition No. 2330 (MB) of 2012 was filed by one Sri Sandeep Pandey before Hon'ble High Court wherein certain directions were issued. In compliance of the directions of Hon'ble High Court in the aforementioned Writ petition, the DoT authority had constituted a committing consisting of three senior officers to review the earlier facts submitted by technical team of DoT regarding illegal routing of ISD calls at Allahabad. The committee reviewed the earlier report submitted by VTM Cell and submitted its report on 16.12.2015 whereby the complaint made by the applicant has been found to be genuine. It is also alleged in the O.A. that according to DoT committee report the charge no.5 levelled against the applicant would stand nullify in light of report submitted by the committee. When the respondents did not modify the chargesheet or drop the charge no.5, the applicant submitted a detailed representation through proper channel on 21.3.2018, which according to the applicant, has not been disposed of and the same is still pending for consideration.

4. Learned counsel for the applicant states that this O.A. be disposed of at admission stage by issuing directions to the respondents to consider and decide the representation of the applicant in accordance with law within a time bound manner.

5. Learned counsel appearing on behalf of the respondents state that they have no objection in considering the representation of the

applicant before passing final order in the departmental proceedings.

6. Having considered all the facts and circumstances of the case and without expressing any opinion on the merits of the case, this O.A. stands disposed of finally at admission stage itself with a direction to the respondents/competent authority to consider and decide the representation of the applicant dated 21.3.2018 (Annexure no.5) in accordance with law, before taking any final decision in the matter relating to disciplinary proceedings. There shall be no order as to costs.

**(Dr. Murtaza Ali)
Member(J)**

Girish/-