

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00220/2018

DATED THIS THE 15<sup>TH</sup> DAY OF FEBRUARY, 2019

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

**HON'BLE SHRI C.V. SANKAR, MEMBER (A)**

Shri B.L. Puttaswamy,  
S/o Lakkaiah,  
Aged about 69 years,  
Residing at No. 3,  
Door No. 931, Near Post Office,  
Periyapattna, Taluk Periyapattna,  
District Mysore

.....Applicant

(By Advocate Shri K. Govindaraj)

Vs.

1. The Union of India,  
Represented by its Secretary,  
Ministry of Telecommunication &  
Information Technology,  
Sanchar Bhavan,  
New Delhi – 110 001

2. Chief General Manager Telecom, BSNL  
Karnataka Circle,  
No. 1, Swamy Vivekananda Road,

Halasoor, Bangalore – 560 008

3. The General Manager Telecom, BSNL  
Jayalakshmipuram, Mysore – 570 012

4. Deputy General Manager (Rural), BNSL  
Office of the General Manager Telecom,  
Jayalakshmipuram,  
Mysore – 570 012

....Respondents

(By Shri S. Sugumaran, Counsel for Respondent No. 1 and  
Shri V.N. Holla, Counsel for Respondent No. 2 to 4)

O R D E R (ORAL)

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

Heard. The matter is covered by sit back rule enunciated by the Hon'ble Apex Court. In 2008, the applicant was compulsorily retired. Apparently, according to him, on similar issues a criminal trial was pending against him. Had he come at that point of time, we could have granted him an interim order so that the DE will come after the conclusion of the 313 examination in the criminal trial, therefore, his defence would have been sacrosanct. The effect of the criminal trial would have also visited the DE at that point of time. However, he did not do so.

2. His present case is that he was acquitted in 2009. After 10 years' time and all this delay, we are not in a position to retread the steps back as much water had flown under the bridge now and several other persons would have taken advantage of the absence of the applicant in the interregnum and that without hearing them also nobody can set aside. Therefore, on the ground of delay and the impossibility of consideration and acceptance of jurisdiction at this point of time, the OA is dismissed. No order as to costs.

(C.V. SANKAR)

(DR.K.B.SURESH)

MEMBER (A)

MEMBER (J)

/ksk/

**Annexures referred to by the applicant in OA No. 170/00220/2018**

Annexure-A1: Copy of the Memorandum dated 21.07.2006

Annexure-A2: Copy of the Report of Enquiry Officer

Annexure-A3: Copy of the order dated 07.01.2008

Annexure-A4: Copy of the appeal dated 20.02.2008

Annexure-A5: Copy of the order dated 03.04.2008

Annexure-A6: Copy of the Review Petition dated 28.06.2008

Annexure-A7: Copy of the order passed in Review Petition dated 17.03.2009

Annexure-A8: Copy of the order in Spl. C.C. No. 109/2006

Annexure-A9: Copy of the legal notice dated 29.06.2013

Annexure-A10: Copy of the representation dated 16.09.2013

**Annexures with reply statement**

Nil

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