

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00220/2018

DATED THIS THE 15TH 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
(By Advocate Shri K. Govindaraj)

.....Applicant

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)

MEMBER (A)

(DR.K.B.SURESH)

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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