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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00406/2019

Thursday, this the 13th day of June, 2019

C O R A M :

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

1. Sabu.S.,
S/o.Sankaran,
HR No.199211242, Telecom Technician,
Outdoor, Attingal Sub Division,
Bharat Sanchar Nigam Limited,
Thiruvananthapuram – 695 001.
Residing at Sree Mandiram,
Market Road, Attingal,
Thiruvananthapuram – 695 101.
2. Sasidharan Nair.G.,
S/o.Gopalapillai,
HR No.199412252, Telecom Technician,
Outdoor, Attingal Sub Division,
Bharat Sanchar Nigam Limited,
Thiruvananthapuram – 695 001.
Residing at Prasadam, KMRA-78, Koduman,
Attingal, Thiruvananthapuram – 695 101.Applicants

(By Advocates Mr.M.Sasindran & Mr.U.Balagangadharan)

v e r s u s

1. Bharat Sanchar Nigam Ltd.,
(A Government of India Enterprise),
Kerala Civil Zone, Thiruvananthapuram – 695 001,
represented by Chief Engineer (Civil).
2. The Principal General Manager (Telecom),
Office of the Principal General Manager,
Bharath Sanchar Nigam Limited,
(A Government of India Enterprise),
Ernakulam – 682 016.

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3. Chief Engineer (Civil),
Office of the Chief Engineer (Civil),
Bharat Sanchar Nigam Limited,
Administration Building, 1st Floor,
TE Building Compound, Manacaud,
Thiruvananthapuram – 696 009.
4. The Divisional Engineer and Disciplinary Authority,
BSNL Attingal Division – 695 101,
Thiruvananthapuram. ...Respondents

(By Advocate Mr.V.Santharam)

This application having been heard on 13th June 2019, the Tribunal on the same day delivered the following :

O R D E R (O R A L)

Per : Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

Heard Shri.U.Balagangadharan, learned counsel for the applicant.
Shri.V.Santharam takes notice on behalf of the respondents.

2. The applicants are aggrieved by the fact that certain documents which are referred to in the charge memorandum are not being provided to them and as per the order, a copy of which is at Annexure A-5 issued on 4.6.2019, the competent authority has decided that supply of document is not at all essential in preparing defence statement.

3. We are of the view that what is called for from the applicants is a preliminary defence in which they are at liberty to point out their version of the case. In the event the Disciplinary Authority is not satisfied with the response the applicants shall be proceeded with further steps like conduct of

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an inquiry. From this perspective we are of the view that the O.A is pre-mature. Accordingly the O.A is dismissed as pre-mature. However, it is clarified that the applicants will be at liberty to approach this Tribunal if any conclusions are drawn at the inquiry, if so constituted.

4. In view of the order in the O.A., M.A.No.180/540/2019 for joining together is closed. There shall be no order as to costs.

(Dated this the 13th day of June 2019)

ASHISH KALIA
JUDICIAL MEMBER

E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER

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List of Annexures in O.A.No.180/00406/2019

- 1. Annexure A-1** – A copy of the Memorandum bearing No.ADMIN/01413/2300/Rule 35/99211242 Attingal dated 27.4.2019.
- 2. Annexure A-2** – A copy of the Memorandum bearing No.ADMIN/01414/2300/Rule 35/99412252 Attingal dated 27.4.2019.
- 3. Annexure A-3** – A copy of the representation dated 21.5.2019 submitted by the 1st applicant.
- 4. Annexure A-4** – A copy of the representation dated 21.5.2019 submitted by the 2nd applicant.
- 5. Annexure A-5** – A copy of the order issued by the disciplinary authority to the 1st applicant dated 4.6.2019.
- 6. Annexure A-6** – A copy of the order issued by the disciplinary authority to the 2nd applicant dated 4.6.2019.
