

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1227/2018

Dated Friday, the 30th day of November, 2018

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

P.Santhanakrishnan, S/o.P.Pitchu,
S.D.E.(Cables) Retired,
Bharat Sanchar Nigam Limited,
Flat S2, ANC Homes, B-Block,
19, Kubera Nagar Extn., 12th Street,
Madippakkam, Chennai 600 091.

...Applicant

By Advocate M/s M.Ravi

Vs.

1.Government of India,
Ministry of Communications,
Department of Telecommunications (Vigilance II Section),
Rep., by its Deputy Secretary,
Sanchar Bhavan, 20, Ashoka Road,
New Delhi 110 001.

2.The Chief General Manager, BSNL,
Chennai Telephones, Vigilance Cell,
78, Purasaiwalkam High Road,
Chennai 600 010.

...Respondents

By Advocate Mr.M.Kishore Kumar (R-1)

Mr.M.P.Mohandass (R2)

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“To call for records of the respondent relating to orders in No.8-21/2016 vig.II dt. 28.05.2018 to quash the same and to issue consequential directions to the respondents to regularize and continue to disburse the monthly pension and other retirement benefits gratuity, leave encashment withheld, absorption to BSNL, time bound pay scales, promotions, if any to be refunded with interest and pass such order deems fit and thus render justice.”

2. When the matter was taken up in the morning proxy counsel for the applicant sought a pass over. The counsel for the applicant, however, does not turn up even when the matter is called close to the lunch time. Learned counsel for the respondents is present and submits that the applicant has filed this OA without exhausting the statutory remedy of appeal. He has also sought the intervention of the court merely on the ground that the Hon'ble High Court had suspended the sentence consequent on his conviction in a criminal case and there is no suspension of the conviction itself. Accordingly the OA is premature and is liable to be dismissed for non-exhaustion of departmental remedies.
3. On perusal, it is seen that following the imposition of penalty by order dated 28.05.2018, the applicant had made representations. His representations dated 05.06.2018, 20.06.2018 and 25.06.2018 were responded to through Annexure A-12 letter dated 13.07.2018 informing him that he could exercise his right of appeal against the penalty order

dated 28.05.2018 to the Appellate Authority under Rule 23 of CCS(CCA) Rules, 1965, if he so desired.

4. In view of the above, the OA is dismissed as premature.

(P.MADHAVAN)
MEMBER(J)

(R.RAMANUJAM)
MEMBER (A)

30.11.2018

M.T.