

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00669/2018

DATED THIS THE 27TH DAY OF AUGUST 2019

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

HON'BLE SHRI CV.SANKAR MEMBER (A)

Sri.C.Chandrashekar, 66 years,  
S/o Late Sri.C.Chowdaiah,  
Occn: Retired Sub-Divisional Engineer,  
BSNL, O/o General Manager Telecom  
Mysuru.

Residing at No:798, 2nd Cross,  
Manujapath Road,  
'E' & 'F' Block, Kuvempu Nagar,  
Mysuru: 570 023.

... Applicant

(By Shri PA.Kulkarni..... Advocate)

vs.

1.Department of Telecommunications,  
To be represented by its Secretary,  
(Vigilance II Section),  
Sanchar Bhavan,  
20, Ashoka Road,  
New Delhi: 110 001.

2.Department of Personnel and Training,  
to be represented by its Secretary,  
Government of India,  
Lok Nayak Bhavan,  
North Block, New Delhi: 110 001.

3.Bharat Sanchar Nigam Limited,  
by its Chairman and Managing Director,  
Corporate Office (Personnel-II Section)  
Bharat Sanchar Bhawan,  
4<sup>th</sup> Floor, Janpath,  
New Delhi: 110 001.

4.Chief General Manager Telecom,  
Karnataka Telecom Circle, BSNL,  
No.1, S.V.Road, Halasuru,  
Bengaluru: 560 008.

5.General Manager,  
Mysuru Telecom District,  
BSNL, Jayalaxmipuram,  
Mysuru: 570 012.

6.Controller of Communication Accounts,  
DOT Cell,  
Amenity Block,  
2<sup>nd</sup> Floor, Palace Road,  
Bengaluru: 560 001.

...Respondents

(By Shri Vishnu Bhat.. Senior Panel Counsel for R 1,2 & 6 )  
(By Shri VN.Holla.. Senior Panel Counsel for R 3-5 )

ORDER (ORAL)

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

1. Heard. This is a matter of a man convicted of an offence under Rule 9 & 19 and dismissed from service. He had filed an appeal against his conviction. If he will succeed, without any doubt he will be taken back. Apparently, in the mean while he had superannuated. Without any doubt till that date he will be taken as being in service and benefit disbursed accordingly. OA is disposed off as above. No order as to costs.

2. At this point of time Shri PA.Kulkarni points out one anomaly that after superannuation he was having his pension and that

pension was withdrawn 100% under Rule 9. They are bound to mandately dismiss him from service. Therefore, at that point of time they had no other go other than withdraw the pension. Nothing else they could have done. Therefore, the only effect is that if at all benefits, in the interregnum had been withheld from him and if he succeeds in the Appellate Court appeal then all these benefit will be paid back to him . OA is disposed off as above. No order as to costs.

(CV.SANKAR)  
MEMBER (A)

(DR. K.B. SURESH)  
MEMBER (J)

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Annexures referred to by the applicant in OA No.669/2018

Annexure A1: Copy of Show cause notice dated 15.3.2017

Annexure A2: Copy of Representation dated 17.4.2017

Annexure A3: Copy of Second show cause notice dated 8.1.2018 along with UPSC advice note dated 29.11.2017

Annexure A4: Copy of Representation dated 5.2.2018 to the second show cause notice

Annexure A5: Copy of Additional representation dated 9.2.2018 to the second show cause notice

Annexure A6: Copy of Impugned order dated 18.5.2018

Annexure A7: Copy of Pension slip for the month of June 2018

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