

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No.1228/2013

Date of Order :12.04.2019.

Between :

A.Satyanarayana, s/o Gopal Rao,
Aged about 49 yrs, Occ:Telecom Mechanic,
Bachodu Telephone Exchange,
Tirumalayapalem Mandal, Khammam District,
r/o H.No.1-4-14, Saradhi Nagar, Khammam.

...Applicant

And

1. The Union of India, rep., by its Secretary,
Dept. Of Telecommunications, 20, Ashoka Road,
New Delhi-110 001.

2. Bharat Sanchar Nigam Limited, rep., by its
Chairman-cum-Managing Director,
Harischandra Mathur Lane, Janpath,
New Delhi-110 001.

3. The Chief General Manager, Telecom,
A.P.Circle, BSNL, Door Sanchar Bhavan,
Nampally Station Road, Abids, Hyderabad-1.

4. The General Manager, Telecom District,
Khammam, Khammam District.

5. The Deputy General Manager (O&M),
O/o General Manager, Telecom District,
Khammam, Khammam District.

6. The Divisional Engineer (Admn.),
O/o General Manager, Telecom District,
Khammam, Khammam District.

... Respondents

Counsel for the Applicant

... Dr.A.Raghu Kumar

Counsel for the Respondents

... Mrs.K.Rajitha, Sr.CGSC

... Mr.M.C.Jacob, SC for BSNL

CORAM:

**THE HON'BLE MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN
THE HON'BLE MRS.NAINI JAYASEELAN, MEMBER (ADMN.)**

ORAL ORDER

(As per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman)

The applicant, who is no more, was working as Telephone Mechanic, Tallada, in 2005. Disciplinary Proceedings were initiated against him by issuing a charge memo dated 08.09.2005 alleging that he was collecting amounts from customers for attending to repairs and other works. The applicant denied the charges and not satisfied with the explanation offered by him, the Disciplinary Authority appointed an Inquiry Officer. The Inquiry Officer through his report dated 31.05.2009 held the charges as proved. Taking the same into account, the Disciplinary Authority passed order dated 18.09.2009 imposing the punishment of reduction of the pay scale of the applicant by 6 stages to be in force for 6 years and on completion of the period, the punishment shall have the effect of postponement of his future increments of pay. In other words, it has cumulative effect.

2. The applicant preferred an appeal before the General Manager, Telecom District, Khammam. Through an order dated 12.01.2010, the Appellate Authority reduced the punishment to the one of reduction of pay by 4 stages to be in force for 4 years with cumulative effect. The order of punishment as modified by the Appellate Authority is challenged in this OA.

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3. The applicant contends that he became victim of the local TV Channel sting operation and with a malafide intention he was fixed into the entire episode. He further stated that the defence put forward by him was misinterpreted by the Disciplinary and Appellate Authorities as though he just took bribe and that never was his intention.

4. Other grounds also pleaded.

5. The respondents filed a counter-reply opposing the OA. It is stated that the applicant has resorted to illegal gratification and the Disciplinary Authority has examined the same and the charges against him were held proved. It is stated that the prescribed procedure was followed at every stage and the punishment commensurate with the gravity of charge was imposed and that no interference is warranted.

6. We heard Mr.B.Pavan Kumar, proxy counsel representing Dr.A.Raghu Kumar, learned counsel for the Applicant and Mrs.K.Rajitha, learned senior standing counsel for Respondent No.1, and Mr.M.C.Jacob, learned standing counsel for Respondents 2 to 6.

7. Two articles of charge are framed against the applicant. The first is about utilization of some material in the context of repairing the phone

lines. However, nothing is stated in regard to payment of money. The second is about a Telecast said to have been made by a local TV Channel about the unbecoming behaviour of the applicant that he said to have demanded amount from various persons for attending to maintenance and repair works of Telephones.

8. It is no doubt true that the Disciplinary Authority and the Inquiry Officer found the charges as proved before examining the complaints alleged to have been made. The so called sting operation by local TV Channel did not have any legal sanctity and the plea of the applicant that he became victim cannot be falsely ruled out.

9. Be that as it may, the allegations are only about demand of amount on attending to repair works. Here again the evidence was not so consistent. We are of the view that the punishment of such serious nature having its impact upon the emoluments and pension of the applicant, and the family pension of his wife cannot be sustainable in law.

10. We are, therefore, of the view that the punishment, as modified by the Appellate Authority, can be treated as the one without cumulative effect. However, this shall be without benefit of payment of arrears to the applicant

or his dependents. The modified punishment shall have the effect of only revising the family pension by restoring the increments, which were denied to the applicant as a measure of punishment. Family pension of the wife of the applicant shall be revised within a period of Six weeks from the date of receipt of a copy of this order.

11. The OA is disposed of accordingly. There shall be no order as to costs.

(NAINI JAYASEELAN)
MEMBER (ADMN.)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

Dated: this the 12th day of April, 2019
Dictated in the Open Court

Dsn.