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No. M.A.350/00166/2016
(O.A.350/01918/2015)

Date of order : 01.06.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

UNION OF INDIA & ORS.
(D/O TELECOM)

VS.

SUBRATA GANGOPADHYAY

For the applicant in M.A.: Mr. B.P. Manna, counsel

For the opposite party : Mr. B.R. Das, counsel
(Original applicant)

For the BSNL : Ms. M. Bhattacharyya, counsel

ORDER

Per Justice V.C. Gupta, J.M.

This is a Miscellaneous Application moved by Union of India for deleting his name from the array of the respondents on the ground that the applicant in the O.A.No.350/01918/2015, Subrata Gangopadhyay is an employee of BSNL, a Statutory Corporation and Autonomous Body and as such, impleading Union of India in the matter, is not necessary. It is further submitted that no relief has been sought against Union of India in the Original Application, therefore, the name of Union of India may be deleted.

2. Ld. counsel for the BSNL would submit that the applicant is in active service of BSNL and is an employee of BSNL, so, Union of India is not a necessary party and she has no objection if the name of Respondent No.1 is deleted.

3. Ld. counsel for the applicant in the Original Application pointed out that the present O.A. has been filed seeking the relief of quashing the charge sheet dated 08.09.2015 which is annexed as Annexure A-3 which deals with the charge of acquiring of disproportionate assets during the service tenure of the applicant staring from 1993 to 2005.

4. It is not in dispute that Sri Subrata Gangopadhyay(Ganguly) was the employee of Telecommunication Department of Union of India prior to his absorption in BSNL in 2004. When the charge sheet has been issued against the applicant for the check period from 1993 to 2005 i.e. prior to the period of his absorption in BSNL and when BSNL is not in a position to

(Signature)

drop the charges prior to absorption of the applicant, we are of the view that the authorities of
Union of India would be necessary to arrive at a just decision in the case.

5. Accordingly the M.A. is dismissed. The respondents i.e. the Union of India and the
BSNL may file reply to the O.A. within 6 weeks. Rejoinder, if any, be filed within 2 weeks
thereafter. List the O.A. on 26.08.2016 as already fixed. A copy of this order be placed in both
the M.A. and O.A. files.

(J. Das Gupta)
Administrative Member

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(Justice V.C. Gupta)
Judicial Member