

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1350/2019

Dated Monday, the 14th day of October, 2019

PRESENT

Hon'ble Mr.P.Madhavan, Judicial Member

&

Hon'ble Mr.T.Jacob, Administrative Member

S.Kaveri

W/O, Late Subramaniam,

4/28, Engineers Colony,

Behind Shirdi Sai Baba Kovil

Reddipatti,

Salem – 636 302.

...Applicant

By Advocate M/s.Ramapriya Gopalakrishnan

Vs

The Principal General Manager,

Bharat Sanchar Nigam Limited,

Seerangapalayam Road,

Salem – 636 007.

...Respondent

By Advocate Mr.R.Priya Kumar

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

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

“(a) Set aside the order of the respondent bearing No.E22/2/Punishment/2013-14/50 dated 18/09/2018 in so far as it denies full pay and allowances to the applicant's late husband for the period of his suspension from 05.02.2009 to 31.08.2010.

(b) Set aside the consequent memo bearing No.A/Non-Exec./ (68.8%&78.2%) DA Merger dated 04/04/2019 in so far as it denies full pay and allowances to the applicant's late husband for the period of his suspension from 05.02.2009 to 31.08.2010;

(c) issue a direction to the respondent to treat the period of suspension of the applicant's late husband from 05.02.2009 to 31.08.2010 as one on duty and grant him full pay and allowances for the said period.

(d) issue a direction to the respondent to grant due promotion to the applicant's late husband for the period from 01.01.2007 to 26.11.2014 as per the Non-Executive Promotion Policy Scheme and thus render justice.”.

2. When the matter came up for consideration, learned counsel for the applicant would submit that as per Rule 32 of BSNL CDA Rules 2006 when an accused is acquitted of all charges in a criminal case, her husband (no more) is entitled to get the suspension period regularized and he is also entitled to get the salary for that period. But the competent authority has not considered Rule 32 and had passed an order rejecting the same. She

will be satisfied if her representation is considered as per Rule 32 and a speaking order is passed by the respondents.

3. Mr.R.Priya Kumar, takes notice on behalf of the respondents and submits that if a direction is given, the respondents will consider the representation of the applicant on merits.

4. In view of the limited submission, the OA is disposed of with the following direction:

"The applicant is permitted to file a fresh representation claiming her relief under Rule 32 of the BSNL CDA Rules 2006 within a period of two weeks from the date of this order and the competent authority is directed to consider the same in the light of the said Rule 32 and pass a speaking order stating why the late husband of applicant is not entitled to get the benefit within a period of three months from the date of receipt of such representation."

**(T.JACOB)
MEMBER (A)**

M.T.

**(P.MADHAVAN)
MEMBER (J)**

14.10.2019