

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/21/1596/2013

Dated: 11/11/2019

Between

S. Krishna Murthy,
S/o. late S. Seetharamaiah,
Aged 57 years, Telephone Mechanic,
O/o Telephone Exchange,
Kothagudem, Khammam District.

... Applicant

AND

1. The Union of India rep. by its Chief General Manager, Bharat Sanchar Nigam Limited, A.P. Telecom, Door Sanchar Bhavan, Nampally Station Road, Abids, Hyderabad.
 2. The General Manager, Bharat Sanchar Nigam Limited, Telecom District, Khammam.
 3. The Deputy General Manager (CFA), Bharat Sanchar Nigam Limited, Khammam.

.... Respondents

Counsel for the Applicants : Mr. P. Venkata Rama Sarma
Counsel for the Respondents : Mrs. Ch. Lakshmi Kumari,
SC for BSNL

CORAM:

***Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

ORAL ORDER

(Per Hon~~oble~~ Mr. Justice L. Narasimha Reddy, Chairman)

The applicant was working as a Telephone Mechanic in Bharat Sanchar Nigam Limited. He was issued a charge memo dated 20.02.2006, wherein it was alleged that he demanded and accepted illegal gratifications from various consumers while working as Telephone Mechanic at Julurpadu Exchange. The applicant submitted his explanation, denying the charges. Not satisfied with that, the Disciplinary Authority appointed an Inquiry Officer. A report was submitted by the Inquiry Officer on 07.01.2010. The applicant submitted his representation on 23.01.2010. Thereafter, the Disciplinary Authority passed the order dated 06.03.2010, imposing the punishment of reduction of pay scale by two stages, to be in force for a period of two years, and directing that he will not earn increments of pay during that period and that the reduction will have the effect of postponing of future increments. Aggrieved by that, the applicant preferred an appeal. The same was rejected by an order dated 02.07.2013. This O.A. is filed, challenging the order dated 06.03.2010 passed by the Disciplinary Authority and the one dated 02.07.2013 passed by the Appellate Authority.

2. The applicant contends that the persons, who are said to have complained, alleging his demanding and acceptance of illegal gratifications, have submitted representations thereafter, disowning such an allegation and the same was not taken into account in the inquiry as well as by the

Disciplinary Authority. It is also stated that the report of the Inquiry Officer was not furnished to him and that there is a serious lapse in the entire proceedings.

3. The respondents filed a counter affidavit, opposing the O.A. It is stated that the charges levelled against the applicant are very serious in nature and in the course of inquiry, the applicant had in fact admitted the charges. The allegation that the applicant was not supplied the inquiry report was flatly denied. It is stated that on receipt of the inquiry report, the applicant submitted his representation dated 23.01.2010.

4. We heard Sri P. Venkata Rama Sarma, learned counsel for the applicant and Sri R. Mahanthi representing Smt. Ch. Lakshmi Kumari, learned counsel for the respondents.

5. The charges levelled against the applicant read as under:

oArticle-I : That the said Sri S. Krishna Murthy, TM while functioning as Telephone Mechanic at Julurpahad Telephone Exchange Area during the period 2004-2005 committed a grave misconduct by demanding amounts from the public for providing telephone connections, STD PTs, CCB PTs causing interruption to the service if his demands are not met by the customers. He has demanded illegal gratifications from Gunda Satyanarayana after putting through the CCB PT connection No.279744 on 12.10.2005 and threatened the customer to face the consequences if his demand for Rs.500/- was not met consequently causing disconnection of the service.

Article-2: That during the aforesaid period while functioning the aforesaid office, the Shri S. Krishnamurthy, TM also demanded a bribe of Rs.500/- to provide CCB connection to the disabled party Shri Chandragiri Ramesh (Telephone No.279671) and also

demanded Rs.300/- for shifting of CCB PT which when refused by the party to offer the amount the line was disconnected for 10 days causing inconvenience to the livelihood of the disabled person.

Article III : That during the aforesaid period while functioning the aforesaid office, the said Sri S. Krishnamurthy, TM demanded Rs.100/- from Gorantla Bhaskar, Papakollu Phone No.279639, when the party approached him for rectification of the fault against the complaint. He also demanded Dasara Bhakshis and expenditure for petrol from the subscribers.

Article IV: That during the aforesaid period while functioning the aforesaid office, the said Shri S. Krishnamurthy, TM also demanded Rs.500/- from V. Satyanarayana for shifting of Telephone No.279601.

Article V: That during the aforesaid period while functioning the aforesaid office, the said Shri S. Krishnamurthy, TM demanded a bribe of Rs.500/- from Shri N. Rama Rao, Telephone No.279009 Andhra Bhoomi Mandal reporter, Julurpahad for shifting of his Telephone from the old residence to new residence.ö

6. Since the applicant denied the allegations, the departmental inquiry was conducted. Though the applicant states that the persons, from whom he is said to have received illegal gratifications, have made representations disowning the said allegations, the same was not taken on record, there is nothing on record to show that such persons were examined as witnesses or they have submitted any other statements. On the contrary, the applicant is said to have admitted the allegations contained in the charges and pleaded that a lenient view should be taken.

7. An important contention raised by the applicant is that the report of the Inquiry Officer was not furnished to him. However, the respondents have

flatly denied the same in Para 4 of the counter. The applicant has not chosen to file any rejoinder. On the other hand, in his representation dated 23.01.2010, the applicant made an extensive reference to the proceedings in the inquiry and ultimately pleaded öI am willing to close charge sheet and agree to the charges.ö He has also pleaded for sympathy. This only shows that the plea of the applicant is not true. The applicant is not able to point out the procedural or other irregularities in the inquiry. As regards the punishment, it cannot be said that it is disproportionate to the charges, which were held proved.

8. We do not find any basis to interfere with the order of punishment and the order of the Appellate Authority. The O.A. is dismissed accordingly. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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