

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL**

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

OP (CAT).NO. 7 OF 2015 (Z)

OA 687/2010 OF CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

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PETITIONER(S):

**JUSTIN RAJ D.S., AGED 54 YEARS,
S/O.LATE DAIVARAJ, JINI BHAVAN, PARASUVAIKAL POST
PARASSALA, NEYYATTINKARA, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.KOSHY GEORGE
SMT.V.C. ARCHANA**

RESPONDENT(S):

- 1. THE CHAIRMAN AND MANAGING DIRECTOR
BHARATH SANCHAR NIGAM LIMITED, SANCHAR BHAVAN
JANPATH, NEW DELHI-110011.**
- 2. A. BALASUBRAMANIAN,
GENERAL MANAGER, BHARATH SANCHAR NIGAM LIMITED
BSNL BHAVAN, UPPALAM ROAD, THIRUVANANTHAPURAM-695001.**
- 3. N.VIJAYAKUMAR,
DEPUTY GENERAL MANAGER, (RURAL), BSNL
CENTRAL TELEGRAPH OFFICE BUILDING, 1ST FLOOR, STATUE
THIRUVANANTHAPURAM-695001.**
- 4. SIVAPRASAD P. PILLAI,
FORMERLY WORKING AS DET, VENJARAMOOD
NOW WORKING AS ASSISTANT GENERAL MANAGER (MARKETING),
BSNL, CENTRAL TELEGRAPH OFFICE BUILDING
1ST FLOOR, STATUE, THIRUVANANTHAPURAM-695001.**
- 5. JEEJA NIRMAL,
DIVISIONAL ENGINEER, BSNL, VENJARAMOODU
THIRUVANANTHAPURAM-695001.**

**BY SRL.MATHEWS K.PHILIP, SC, BSNL
BY ADV.T. SANJAY FOR RESPONDENTS**

**THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 14-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXHIBIT P1: TRUE COPY OF THE TRANSFER ORDER OF THE PETITIONER
- EXHIBIT P2: TRUE COPY OF ORDER IN TA.NO.130/2008 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL, ERNAKULAM, DATED 13.09.2009
- EXHIBIT P3: TRUE COPY OF THE ORDER DATED 20.05.2009 BY RESPONDENTS
- EXHIBIT P4: TRUE COPY OF THE MEMORANDUM DATED 31.03.2009 WITH
STATEMENT OF IMPUTATIONS.
- EXHIBIT P5: TRUE COPY OF THE REPLY FILED BY THE PETITIONER TO THE 4TH
RESPONDENT.
- EXHIBIT P6: TRUE COPY OF THE ORDER OF THE 5TH RESPONDENT DTD. 10.07.2009
- EXHIBIT P7: TRUE COPY OF THE STATEMENT SENT TO HEAD QUARTERS.
- EXHIBIT P8: TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE
3RD RESPONDENT
- EXHIBIT P9: TRUE COPY OF THE ORDER DATED 03.10.2009 OF THE 3RD RESPONDENT
IN EXT-P8 APPEAL
- EXHIBIT P10: TRUE COPY OF THE REVISION PETITION FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT.
- EXHIBIT P11: TRUE COPY OF THE ORDER DATED 25.01.2010 OF THE 2ND RESPONDENT
IN EXT-P9 REVISION PETITION.
- EXHIBIT P12: TRUE COPY OF THE REPLY ISSUED BY INFORMATION OFFICER DATED
02.12.2009
- EXHIBIT P13: TRUE COPY OF THE OA.NO.687/2010 FILED BEFORE THE CENTRAL
ADMINISTRATIVE TRIBUNAL, ERNAKULAM.
- EXHIBIT P14: TRUE COPY OF THE REPLY STATEMENT FILED BY THE RESPONDENTS
IN EXT.P13
- EXHIBIT P15: TRUE COPY OF THE ORDER IN OA.NO.687/2010 BY THE CENTRAL
ADMINISTRATIVE TRIBUNAL, ERNAKULAM, DATED 21.06.2012
- EXHIBIT P16: TRUE COPY OF THE CMP.NO.396/2010 ON THE FILE OF THE JUDICIAL
FIRST CLASS MAGISTRATE COURT, NEDUMANGADU
- EXHIBIT P17: TRUE COPY OF THE JUDGMENT IN OP(CRL) NO.1910/2011 OF THIS
HONOURABLE COURT.

RESPONDENT(S)' EXHIBITS: NIL

OKB

//TRUE COPY//

P.A. TO JUDGE

THOTTATHIL B. RADHAKRISHNAN & K.HARILAL, JJ.

O.P. (CAT) No.7 of 2015

Dated this the 14th day of January, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

Heard the learned counsel for the petitioner quite in extenso. Petitioner was subjected to disciplinary proceedings by the employer. Penalty withholding one increment for a period of one year from the date of next increment without cumulative effect was imposed. That was carried in appeal and revision within the establishment. Later, that was challenged before the Central Administrative Tribunal. As per the impugned order, the Tribunal dismissed the petitioner's original application.

2. At the outset, we remind ourselves that the penalty order was only of the quality noted above and see that this original application is not eligible to be entertained having regard to the enormous delay in its institution. The Tribunal's decision was handed down on 21/6/2012. The last page of Ext.P15 shows that the certified true copy of that order was issued by the Tribunal on 26/6/2012. This original petition is instituted before this Court by

presenting it on 6/1/2015. We see not a syllable of acceptable explanation for the delay of more than 2½ years in instituting this original petition invoking Article 227 of the Constitution of India. Hence, we are not inclined to entertain this original petition and it deserves to be rejected at the threshold.

In the result, this original petition is dismissed in limine.

Sd/-

THOTTATHIL B. RADHAKRISHNAN, JUDGE

Sd/-

K.HARILAL, JUDGE

okb.