



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO. 6591 OF 2024

CHAIRMAN AND MANAGING DIRECTOR BHARAT SANCHAR NIGAM
LTD AND OTHERS

VERSUS

ASHOK SHRINIVAS JOSHI AND OTHERS

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Mr. Arora Shyam C., Advocate for the Petitioners

Mr. Ashok S. Joshi, -Respondent No.1-Party in person.

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 3rd July, 2024

ORDER:

1. The Petitioner is the Chairman and Managing Director of Bharat Sanchar Nigam Ltd. He seeks to assail the judgment and order dated 2nd February, 2024 delivered by the learned Central Administrative Tribunal, Bench at Mumbai in Original Application No. 577 of 2022.

2. The learned Advocate for the Petitioner has vehemently canvassed the Grounds (I) to (IV) set out in the Petition. His contention is that the judgment is not well reasoned. Criminal Case No. 09 of 2018 is pending against Respondent No.1/Original Applicant before the Special Court under Section 13 of the Prevention of Corruption Act.

3. The Original Applicant superannuated on 28.02.2013. One week prior to the his retirement, he was placed under suspension and

an enquiry was initiated. After retirement, the charge sheet was served on him and the enquiry was conducted. He was exonerated by the enquiry officer. The disciplinary authority disagreed with the findings of the enquiry officer and awarded the punishment of 3% deduction in pension for a period of one year.

4. The Original Applicant, in person, has addressed the Court in Marathi. He submits that he had sought to assail the order of punishment of deduction of 3% in pension for one year. However, the same had been turned down. Thereafter, he has not assailed the said order before the any Tribunal or the Court.

5. Having considered the submissions of the learned Advocate for the Petitioner and the Original Applicant in person, we find that the learned Tribunal has set out a well reasoned order, in Paragraph Nos. 7 to 12. The reference made by the learned Tribunal to the judgment delivered by the Hon'ble Supreme Court in **Union Bank of India Vs. C.G., Ajay Babu, AIR 2018 SC 3792**, is well placed. The learned Tribunal has recorded that there is no conviction handed down to the employee till today and the criminal proceedings are pending. There is no order of conviction and an offence involving moral turpitude has yet not been proved against the employee.

6. In view of the above, we do not find that the judgment delivered by the learned Division Bench of the Tribunal could be termed as being perverse or erroneous. **This Writ Petition is, therefore, dismissed.**

7. Needless to state that if, in future, the employee suffers an order of conviction or is handed down conviction with a sentence, we leave the parties to the remedies as may be available in law.

8. The employee addressing us in person, who is about 70 years of age, submits that considering his age, this Court may direct the Petitioner to clear his gratuity and commutation of pension at the earliest and if interest is payable under the statute, let such payment be made early. Having noted his submission and having heard the learned Advocate for the Petitioner, we observe that the BSNL would clear his dues as granted by the Tribunal, with statutory interest, within a period of 60 days.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan