



2026:AHC:42281-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2398 of 2026

Senior General Manager Telecom and 2 others

.....Petitioner(s)

Versus

R.D Gupta and another

.....Respondent(s)

Counsel for Petitioner(s)	:	B.K. Singh Raghuvanshi
Counsel for Respondent(s)	:	

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This petition is directed against order dated 21.11.2025 passed by Central Administrative Tribunal, Allahabad Bench, Allahabad, whereby the Original Application ('OA') filed by the respondent has been allowed and orders dated 27.07.2016 and 17.09.2016 passed by the Disciplinary Authority and the Appellate Authority, imposing punishment of 20% cut in pension for a period of four successive years and dismissing the appeal, have been set aside.

2. The respondent was issued a charge sheet for major penalty on 20.12.2012 under Rule 36 of BSNL Conduct, Discipline and Appeal Rules, 2006 ('BSNL Rules'). The disciplinary proceedings continued and during pendency of the disciplinary proceedings, the respondent retired on 30.09.2014.

3. After culmination of the disciplinary proceedings, the Disciplinary Authority passed order dated 27.07.2016 imposing the penalty of 20% cut in pension for a period of four successive years under Rule 37(5) of the BSNL Rules. Feeling aggrieved, appeal was filed which came to be dismissed by order dated 17.09.2016. Aggrieved of the said orders, the OA was filed.

4. The Tribunal, after hearing the parties, came to the conclusion that the Disciplinary Authority could impose punishments under Rule 37(5) of the BSNL Rules as specified in Clause (f) to (j) of Rule 33 and under Clause (f) to (j) of Rule 33, the penalty of cut in pension of the employee is not

specified and therefore, the said penalty could not have been imposed. The Tribunal further found that as the respondent had retired during pendency of the disciplinary proceedings, his case was required to be governed by Rule 61 of the BSNL Rules, wherein for imposing the penalty of present nature sanction of Chairman/Managing Director was necessary and as the sanction was missing, the order imposing penalty of 20% cut in pension was vitiated and consequently, set aside the orders and looking to the fact that the matter was old and the applicant-respondent is a senior citizen, found that no useful purpose would be served in remitting the case and consequently, allowed the OA.

5. Counsel for the petitioners attempted to make submissions that the competent authority for passing the order under Rule 37(5) was the authority which passed the order and therefore, the Tribunal fell in error in setting aside the orders impugned.

6. Further submissions were made that as the disciplinary proceedings were initiated prior to his retirement, Rule 61 of the BSNL Rules would have no application.

7. We have considered the submissions made and have perused the material available on record.

8. Both the pleas sought to be raised have no basis. It may not be in dispute that the Disciplinary Authority which passed the order, had jurisdiction to pass order under Rule 37(5) of the BSNL Rules, however, the said Authority could have imposed the punishment as prescribed in Clause (f) to (j) of Rule 33 which does not have the penalty of cut in pension and the penalties indicated therein could essentially be imposed if the person is in service. However, as the respondent had retired in the meanwhile, he was required to be dealt with under Rule 61, as rightly held by the Tribunal, which provides for a complete mechanism to deal with cases where the employee against whom disciplinary proceedings have been initiated and during pendency of the disciplinary proceedings he attains the age of superannuation. However, under the said Rule 61(4)(1), specific indication has been made that the Chairman/Managing Director is the competent authority to issue sanction for withholding of

pension and as admittedly, in the present case, no sanction was granted by the Chairman/Managing Director of the BSNL, the order stood vitiated.

9. In that view of the matter, we do not find any fault in the order passed by the Tribunal.

10. Further, the Tribunal was apparently justified in not remanding the matter looking to the nature of penalty imposed which was for 20% cut in pension for a period of four successive years and the respondent had retired about 12 years back.

11. In view of the above discussion, we do not find any reason to entertain the present petition. The same is therefore, **dismissed**.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

February 25, 2026

AHA/AKShukla