

GAHC010259622025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3083/2026

BHARAT SANCHAR NIGAM LIMITED (BSNL) AND 2 ORS
REPRESENTED BY ITS CHAIRMAN-CUM-MANAGING DIRECTOR,
CORPORATE OFFICE, NEW DELHI-110001.

2: THE CHIEF GENERAL MANAGER

ASSAM TELECOM CIRCLE
BHARAT SANCHAR NIGAM LIMITED
ULUBARI GUWAHATI
ASSAM PIN- 781007.

3: THE GENERAL MANAGER
TELECOM BHARAT SANCHAR NIGAM LIMITED
DACCAIPATTY
P.O. SILCHAR
DISTRICT- CACHAR
ASSAM PIN- 788001

VERSUS

BISWAJIT ROY CHOUDHURY
CHIEF ACCOUNT OFFICER (L/A),
OFFICE OF THE CHIEF GENERAL MANAGER,
TELECOM, BHARAT SANCHAR NIGAM LTD.,
(BSNL) ASSAM TELECOM CIRCLE, GUWAHATI-781001.

For the petitioners : Mr. B. Pathak, Advocate

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

15-06-2026

(Ashutosh Kumar, C.J.)

We have heard Mr. B. Pathak, learned Advocate for the petitioners/Bharat Sanchar Nigam Limited (BSNL) and two others.

The respondent herein while serving as a Senior Accounts Officer in the office of the General Manager, BSNL, Kamrup, Guwahati, was subjected to a disciplinary proceeding with respect to a mis-match in the electrical recharge PINs (e-pins) of smaller denominations in the stock and the accounting, resulting in loss of approximately Rs.17,27,000/- to the organisation. The respondent was charged with failure to exercise proper supervision; being negligent in discharge of official duty; lack of devotion of duty and violation of the standard conduct which was expected from a Senior Accounts Officer. Out of the four charges, three charges were not proved and one charge was proved. The disciplinary authority, disagreed with the inquiry officer's finding, issued a disagreement note to the respondent and, after receiving his reply, found that the appellant was guilty, responsible for the misconduct and slapped upon him a major penalty of reduction in pay by two stages in the time scale of pay for a period of two years with cumulative effect along with recovery of Rs.6,67,250/- from the respondent as his share of the pecuniary losses suffered by the BSNL.

In the departmental appeal, there was a slight modification of the punishment and it was directed that after the expiry of two years penalty period, the reduction in pay would not adversely affect the future increments.

Being dissatisfied, the respondent challenged the order of appellate authority before the Central Administrative Tribunal, Guwahati Bench vide O.A. No.316/2017.

The Tribunal vide the impugned judgment dated 25.06.2025 though upheld the disciplinary proceeding to be free from any procedural infirmity, but further modifying the sentence also held that the liability for the financial losses caused to the BSNL was required to be attributed to the franchisee, namely, M/s First Choice, who should be asked to indemnify the BSNL for the losses.

The impact of the afore-noted judgment, which has been challenged by the BSNL, is that the respondent has been relieved from the burden of payment of Rs.6,67,250/-.

Mr. Pathak, learned Advocate for the petitioner submits that the Tribunal has exceeded its jurisdiction by imposing penalty on a third-party franchisee who was not even party to the proceeding. The Tribunal had been called upon by the respondent to decide the dispute between the respondent and the petitioner/BSNL whereas the franchisee, namely, M/s First Choice is only a private contractual entity and not an employee of the BSNL. The Tribunal, thus, it has been argued, has acted beyond its statutory jurisdiction by adjudicating the liability of a third-party, thereby relieving the respondent of his responsibility making payment of his share

of the loss caused to the BSNL to the tune of Rs.6,67,250/-.

Let notice be issued to the sole respondent, on steps being taken by the petitioners/BSNL within a period of two weeks, by both modes, i.e. by speed post as well as by usual process, returnable on **14.09.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant