

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00043/2021

Monday, this the 25th day of January, 2021

C O R A M :

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

K.Radhakrishnan IPS
S/o.A.Kunjan, aged 59 years
Commandant, KAP V Battalion
Kuttikkanam, residing at Thoranathil House
Thalayolaparambu, Kottayam – 686 605 ...Applicant

(By Advocate Mr.R.Sreeraj)

versus

1. State of Kerala represented by its Chief Secretary
Government Secretariat, Thiruvananthapuram – 695 001
2. Union of India represented by its Secretary to the
Government of India
Ministry of Home Affairs, New Delhi – 110 001
3. The Principal Accountant General (A&E)
Kerala, Thiruvananthapuram – 695 001Respondents

(By Advocate : Mr.M.Rajeev, G.P for R 1&3, Mr.V.N.Mohanadasan for R2)

This application having been heard on 25.1.2021 through video conference, this Tribunal on the same day delivered the following :

ORDER (ORAL)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

This is an Original Application filed seeking the following relief:

" 1. *Declare that the inaction on the part of the 1st respondent in regularising the period from 24.10.2016 to 25.8.2020, during which the applicant was kept out of service, as duty for all purposes and to grant him the consequential benefits is illegal, arbitrary, unjust, unreasonable and irrational and that the same violates Articles 14 and 16 of the Constitution of India.*

2. *Direct the 1st respondent to regularise the period from 24.10.2016 to 25.8.2020, during which the applicant was kept out of service, as duty for all purposes and to grant him the consequential benefits.*

3. *Such other relief as may be prayed for and this Hon'ble Tribunal may deem fit to grant.*

4. *Grant the cost of this Original Application. "*

2. When the matter came up for consideration, it appears that the applicant has given a representationa at Annexure A-8 on 11.9.2020, but no action has been taken on the same till date. The applicant is going to retire in the month of April 2021. Learned counsel for the applicant submits that the applicant will be satisfied if a direction is given to the respondents to consider the same and pass a reasoned and speaking order within a time frame

3. Adv.Mr.M.Rajeev, G.P takes notice on behalf of the respondent nos.1 and 3 and

Adv.Mr.V.N.Mohanandasan takes notice on behalf of respondent no.2.

4. In view of the urgency of the matter and in view of the limited submission, the Competent Authority is directed to consider Annexures A-8 representation dated 11.9.2020 in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of three weeks from the date of receipt of a copy of this order.

5. The O.A is disposed of as above at the admission stage itself. No costs.

**(K.V.EAPEN)
ADMINISTRATIVE MEMBER**

**(P.MADHAVAN)
JUDICIAL MEMBER**

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List of Annexures

Annexure A1 - True copy of the Order No.GO(Gen) No.3178/2016/Home dated 24.10.2016

Annexure A2 - True copy of the Notification No.1-14011/27/2016-IPS.I(II) dated 9.11.2016 issued by the 2nd respondent

Annexure A3 - True copy of the final order dated 31.8.2017 in OA 469/2017 on the file of this Hon'ble Tribunal

Annexure A4 - True copy of the judgment dated 9.7.2019 in OP(CAT) 273/2017 on the file of the Hon'ble High Court of Kerala

Annexure A5 - True copy of the judgment dated 30.8.2019 in RP783/2019 in OP(CAT) 273/2017 on the file of the Hon'ble High Court of Kerala

Annexure A6 - True copy of the order dated 9.7.2020 in SLP(C) Diary No.6989/2020 on the file of the Hon'ble Supreme Court of India

Annexure A7 - True copy of the order GO(Rt) No.2651/2020/GAD dated 26.8.2020 issued by the 1st respondent

Annexure A8 - True copy of the representation dated 11.9.2020 submitted by the applicant to the 1st respondent.

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