

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00021/2020

Tuesday, this the 29th day of September, 2020

C O R A M :

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER

E.J.Jayaraj IPS, Inspector General of Police
Kozhikode Range, Residing at Rohini,
NN 63, Neethi Nagar, Perorkkada P.O
Thiruvananthapuram – 695 005
Mobile No.94477772290

...Applicant

(By Advocate Mr.C.Unnikrishnan)

v e r s u s

1. State of Kerala, represented by the Chief Secretary
Government Secretariat, Trivandrum – 695 001

2. The Secretary to Government of Kerala
Department of Home Affairs
Government Secretariat
Thiruvananthapuram – 695 001

3. State Police Chief and Director General of Police
Kerala, Police Head Quarters, Vazhuthacaud
Thiruvananthapuram – 695 014

....Respondents

(By Advocate : Mr.M.Rajeev, GP)

This application having been heard through video conference on 29th September, 2020, this Tribunal on the same day delivered the following :

ORDER (ORAL)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

The disciplinary proceedings initiated against the applicant in 2017 was not finalized even after two years and consequently his juniors were promoted. The applicant was not promoted on the ground of pending disciplinary proceedings. Hence he approached this Tribunal seeking the following reliefs:-

"(i) Set aside Annexure A5 enquiry report as it is in violation of the procedure prescribed in Annx.A9 OM and statutory rules.

(ii) Direct the respondents to promote the applicant as ADGP with effect from 1.1.2019 with all consequential benefits, notwithstanding the pendency of the disciplinary proceedings, if any.

(iii) Declare that the huge delay of more than 2 years in finalising the disciplinary proceeding against the applicant without any valid reasons had adversely affected the service prospects of the applicant and violated his Constitutional and legal rights.

(iv) Direct the respondents to finalise the disciplinary proceedings, if any expeditiously as possible and within a shorter time limit fixed by this Tribunal.

(v) Issue such other reliefs that the Hon'ble Tribunal may deem fit to grant "

2. When the matter came up for consideration today, Advocate Ms.Uthara representing Advocate Mr.C.Unnikrishnan, learned counsel for the applicant submits that the entire reliefs claimed in this Original Application have been granted by the

respondents and the O.A may be closed. Advocate Mr.M.Rajeev, G.P, learned counsel for the respondents submitted that the respondents have filed a reply statement to that effect.

3. In view of the above submission, the **Original Application is closed**. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

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List of Annexures

- Annexure A1 - True copy of the GO (Rt.) No.6878/17/GAD dated 31.10.2017 suspending the applicant
- Annexure A2 - True copy of the articles of charges issued to the applicant as per letter No.1919663/SPL.C3/2017/GAD dated 24.11.2017
- Annexure A3 - True copy of the written statement of defence dated 20.12.2017 submitted by the applicant
- Annexure A4 - True copy of the GO (Rt.) No.3605/2018/GAD dated 2.6.2018 revoking suspension
- Annexure A5 - True copy of the forwarding letter No.1919663/SPL.C3/2017/GAD dated 29.8.2018 and the enquiry report dated 6.8.2018.
- Annexure A6 - True copy of the detailed representation dated 11.9.2018 submitted against the findings in the enquiry report before the 1st respondent
- Annexure A7 - True copy of the communication No.2/Camp/RSC/KRSA/2019 dated 6.8.2019 issued by the enquiry officer to the applicant
- Annexure A8 - True copy of the reply dated 19.8.2019 submitted by the applicant
- Annexure A9 - True copy of the OM No.11012/18/77-Estt(A) dated 2/9/1978 issued by the Govt. Of India
- Annexure A10 - True copy of the representation dated 19.8.2019 submitted by the applicant to the 1st respondent
- Annexure A11 - True copy of the GO (Rt.) No.7333/2019 GAD dated 31.12.2019 promoting junior officers.
- Annexure R1(a) - G.O (Rt.) No.1760/2020/GAD dated 5.6.2020
- Annexure R1(b) - G.O. (Rt) No.2443/2020/GAD dated 6.8.2020
- Annexure R1(c) - G.O (Rt.) No.2496/2020/GAD dated 13.8.2020.///