

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. 444/93

Tuesday, the eleventh day of January, 1994

MR. N.DHARMADAN MEMBER (JUDICIAL)

MR. S. KASIPANDIAN MEMBER (ADMINISTRATIVE)

N.P. Kuttan  
Peon, INHS Sanjivani  
Cochin-682004

Applicant

By Advocate Mr. P.K. Muhammed

vs.

1. Lt. Commander, Logistics Officer  
INHS Sanjivani

2. Surgeon Captain, Commanding Officer  
INHS Sanjivani

3. Union of India represented by the  
Secretary, Ministry of Defence  
New Delhi-1

Respondents

By Advocate Mr. K. Karthikeya Panicker, ACGSC

ORDER

N. DHARMADAN

The applicant is a peon working under the second respondent from 10.6.80. He has taken leave from 3.2.92 to 15.2.92. He could not report for duty on the expiry of the period; he overstayed and reported for duty only on 18.2.92. Considering the conduct of the applicant as unsatisfactory, Annexure A-A order was passed by the Commanding Officer giving him warning stating that he shall not repeat the same. Applicant filed Annexure-B appeal against the warning and Annexure-A. It was followed by Annexure-C adverse remark in his confidential report. When that was communicated to the applicant, he filed Annexure-D representation for expunging the same. It is at this stage that the applicant has approached this Tribunal under section 19 of the Administrative Tribunals Act for quashing the Annexure-A, C and D orders.

2. The application itself is premature as no final decision has been taken by the competent authority

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considering Annexure-E. At this stage, in view of the fact that Annexure-E is pending against the adverse remark, it is only fair and proper to dispose of the application directing the second respondent to consider the representation of the applicant referred to above in accordance with law.

3. With these direction, the original application is disposed of.

4. There shall be no order as to costs.

*S. Karp*

(S. KASIPANDIAN)  
MEMBER (ADMINISTRATIVE)

kmn

*N. Dharmadan*  
11.1.94

(N. DHARMADAN)  
MEMBER (JUDICIAL)