

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 484 of 1996

Friday, this the 31st day of May, 1996

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

1. R. Padmanabhan I.P.S.,
Inspector General of Police,
On deputation as the Managing Director,
Kerala Books & Publication Society,
Thrikkakara. .. Applicant

By Advocate Mr. N.N. Venkitachalam

Versus

1. Union of India represented by
the Secretary,
Ministry of Home Affairs,
Central Secretariat, New Delhi.

2. State of Kerala represented by
its Chief Secretary,
Secretariat,
Thiruvananthapuram. .. Respondents

By Advocates Mr. TPM Ibrahim Khan, SCGSC (for R1) and
Mr. D Sreekumar, GP (for R2)

The application having been heard on the 31st May, 1996, the
Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant an Inspector General of Police aspiring for the post of Additional Director General of Police, challenges A3 order instituting an enquiry against him. According to him, three enquiries were held on the same allegations, and the findings in all the three enquiries were in his favour. He submits that a fourth effort is made to discredit him and deprive him of promotion, solely due to malafides. He submits further that the

enquiry was engineered into existence by a person with considerable political power at that time.

2. Learned Government Pleader appearing for the State placed the records of the previous enquiries before us. There is certainly a case for the Government to examine, whether a fourth enquiry on the same subject is warranted or not. Every power is intended to be exercised only for the purpose for which it is conferred and in an objective and fair manner. No power can be turned into an instrument of oppression. While making these observations relating to exercise of powers, I make it clear that I have not expressed any opinion on the merits of the case on hand. If applicant makes a representation before the Government against A3, the Government will take a decision thereon within six weeks of the date of receipt of the same.

3. Application is disposed of as aforesaid. Parties will suffer their costs.

Dated the 31st May, 1996

Chettur Sankaran Nair

CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

ak/31.5

List of Annexure

Annexure A3: True copy of order No.GO(Rt) No.11833/95/GAD
dt. 22.12.95 issued by 2nd respondent to the
applicant.