

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 494 of 2011

Monday, this the 25th day of June, 2012

CORAM:

**HON'BLE MR. JUSTICE P.R. RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

James Thomas,
S/o. Thomas, aged 48 years,
Retd. Security Guard,
Cochin Special Economic Zone,
Kakkanadu (under compulsory retirement),
Residing at Channakuzhiyil House,
Somankapady P.O., Padappu, Kazarcod. ... Applicant.

(By Advocate Mr. P.A. Kumaran)

versus

1. Union of India, represented by
The Secretary to Government of India,
Ministry of Commerce and Industry,
New Delhi : 110 001
2. The joint Secretary,
Ministry of Commerce and Industry,
New Delhi – 110 001
3. The Development Commissioner,
Cochin Special Economic Zone,
Kakkanad : 682 037
4. Deputy Development Commissioner,
Cochin Special Economic Zone,
Kakkanad : 6782 037 ... Respondents

(By Advocate Mr. M.K. Aboobacker, ACGSC)

This O.A. having been heard on 18.06.2012, the Tribunal on 25.06.12
delivered the following:



ORDER

Hon'ble Mr. K. George Joseph, Administrative Member -

The applicant in this O.A while functioning as Security Guard, Cochin Special Economic Zone, Kakkanadu, was proceeded against under Rule 14 of the CCS (CCA) Rules, 1965, for behaving in an abnormal manner under the influence of extreme intoxication. The enquiry officer held that the charges against the applicant of having violated the provisions of Rules 2(1)(i), 3(1)(ii), 22(a), 22(bb), 22(c) and 22(d) of the CCS (Conduct) Rules are proved. The Disciplinary Authority awarded him penalty of removal from service with effect from 19.05.2010. The Appellate Authority vide order dated 23.06.2010 reduced the penalty to compulsory retirement. This O.A. has been filed by the applicant challenging the penalty order dated 19.05.2010 and the order of the Appellate Authority dated 23.06.2010.

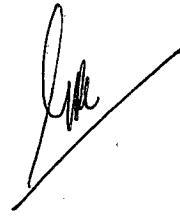
2. We have heard Mr. P.A. Kumaran, learned counsel for the applicant and Mr. M.K. Aboobacker, learned ACGSC appearing for the respondents and perused the records.
3. One of the submissions from both the parties is that the revision petition dated 28.11.2010 filed by the applicant against the punishment order under Rule 14 of the CCS (CCA) Rules, 1965, is pending before the 1st respondent. Without going into the merits of the case, we are of the view that it is appropriate, in the facts and circumstances of the case, that the revision petition filed by the applicant is disposed of, in the first instance. Accordingly, the 1st respondent is directed to dispose of the revision petition dated



28.11.2010 filed by the applicant as per rules within a period of 3 months from the date of receipt of a copy of this order. The applicant is at liberty to approach this Tribunal if he is aggrieved by the order of the Revisional Authority.

4. The O.A is disposed of as above with no order as to costs.

(Dated, the 25th June, 2012)



K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R. RAMAN
JUDICIAL MEMBER

CVR.