

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.498/2003

Friday this the 20th day of June, 2003

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

N.Sujiprasad,
Panakala Puthval Puthen Veedu,
Kulathoor, Uchakkada PO
Thiruvananthapuram.Applicant

(By Advocate Mr. B.Krishnamani (rep)

V.

1. The Union of India, represented
by Secretary, Ministry of Defence,
New Delhi.
2. The Air Officer Commanding
Ministry of Defence,
5 Base Repair Depot
Air Force Station, Sukur,
Coimbatore-641 401.Respondents


(By Advocate Mr. C.G. Abraham, ACGSC.

The application having been heard on 20.6.2003, the Tribunal on
the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant is aggrieved that his service as Safaiwala was terminated invoking the provision Sub Rule 1 and 2 of Rule 11 of CCS(CCA) Rules and Sub Rule 1 of Rule 5 of CCS (Temporary Service) Rules 1965. Coming to know that the termination of service was based on a report that he was accused in a Criminal Case in which the applicant was falsely implicated, and as the Criminal Case ended in his acquittal by Annexure.A3 judgement dated 23.10.2002, enclosing a copy of the judgement the applicant submitted a representation to the second respondent praying that

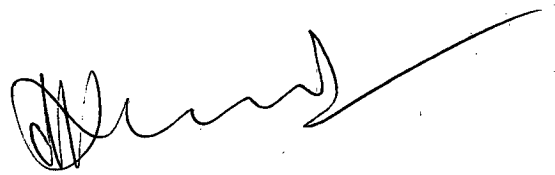


.2.

he be reinstated. This representation is yet to be considered and disposed of. Under these circumstances the applicant has filed this application seeking to set aside Annexure A2 order of termination. He has also prayed for a direction to the second respondent to consider his representation (Annexure A4) taking into account the judgement of the Criminal Court acquitting him and dispose of the same within a reasonable time.

2. C.C.Abraham, ACGSC taking notice on behalf of the respondent has no objection in disposing of the application with such a direction.

3. In the light of what is stated above, in the interests of justice, the application is disposed of directing the second respondent to consider the representation of the applicant (Annexure A4) in the light of the judgement in the Criminal Case (Annexure A3) acquitting the applicant of the offence for which he was charged, after giving the applicant an opportunity of personal hearing with a speaking order within a period of two months from the date of receipt of a copy of this order. No costs.



A.V. HARIDASAN

VICE CHAIRMAN

asp