

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.542/2003

Dated Monday this the 29th day of September, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

A.Gopinathan I.P.S.
S/o Adichamman
Retired Superintendent of Police
Residing at P.C.34/1121
PTP Nagar
Thiruvananthapuram.

Applicant.

(By advocate Mr.Vishnu Chempazhanthiyil)

Versus

1. State of Kerala, represented by its Chief Secretary
Secretariat
Thiruvananthapuram.
2. State of Kerala, represented by its Principal Secretary
Department of Home and Vigilance
Secretariat
Thiruvananthapuram.
3. Secretary to Government of Kerala
General Administration (Special A)
Department, Thiruvananthapuram.
4. Union of India represented by
Secretary, Ministry of Personnel
and Training, New Delhi.

Respondents.

(By advocate Mr.Renjith A, GP for R1-3)

The application having been heard on 29th September, 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 who retired from State Police Service on 31.5.2001 has filed this application for a direction to respondents 1 to 3 to release the commuted value of pension sanctioned vide Annexure A1 and the DCRG and to pay full pension due to him and also to take further action on Annexure A-3, declaring that the action of the 2nd respondent in not proceeding further on A-3 is illegal and arbitrary.

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2. Since the final pension and the gratuity can be disbursed to the officer facing disciplinary proceedings after completion of the proceedings, the learned counsel of the applicant stated that the applicant would be satisfied if the respondents are directed to take a final decision on A-3 within a reasonable time.

3. The learned counsel of the respondents stated that the Tribunal may pass appropriate orders on the basis of the submissions made by the learned counsel of the applicant, regarding finalization of the disciplinary proceedings against the applicant.

4. That the applicant retired from service on attaining the age of superannuation on 31.5.2001 is not in dispute. Annexure A-2 statement of imputations of misconduct was issued on 25.5.2001 and Annexure A-3 explanation to that was given by the applicant on 25.7.2001. The respondents should have taken an appropriate decision on the basis of the explanation submitted by the applicant and by this time completed the enquiry if it was decided to hold such an enquiry. Therefore, we are of the considered view that the interests of justice demand a direction to the respondents to take A-2 memo of charges to its logical conclusion by holding and completing the enquiry if a decision be taken to hold an enquiry within a reasonable time. We, therefore, dispose of this application at this stage directing the respondents to finalize the proceedings initiated against the applicant vide A-2 charge memo and to pass final orders thereon within four months from the date of receipt of a copy of this order. There is no order as to costs.

Dated 29th September, 2003.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER
aa.



A.V. HARIDASAN
VICE CHAIRMAN