

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 550 of 2008

Thursday, this the 15th day of October, 2009

CORAM:

Hon'ble Mr. George Paracken, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

K. Vijayan, S/o. Kunjukrishnan, aged 49 years,
 TGT (Maths) (removed from service), Government
 High School, Chethalath, residing permanently at
 Kottavachavila, Ayroor P.O., Varkala.

Applicant

(By Advocate – Mr. M.R. Hariraj)

V e r s u s

1. Union of India, represented by the Secretary,
 Ministry of Human Resource Development, New Delhi.
2. The Administrator, Union Territory of Lakshadweep,
 Kavarathi.
3. The Secretary, Education, Union Territory of
 Lakshadweep, Kavarathi.

Respondents

[By Advocate – Mr. TPM Ibrahim Khan, SCGSC (R1)
 & Mr. S. Radhakrishnan (R2&3)]

The application having been heard on 15.10.2009, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Mr. George Paracken, Judicial Member -

The applicant is aggrieved by the Annexure A-1 disciplinary authority's order dated 17th September, 2007 imposing the major penalty of removal from service on him with retrospective effect from 1.6.2000. He is also aggrieved by the inquiry officers report forwarded to him vide

Annexure A-7 OM dated 14.9.2006. The applicant had made the Annexure A-9 statutory appeal dated 22.10.2007 before the statutory appellate authority, namely, the Administrator, Union Territory of Lakshadweep, Kavarathy. He has taken a number of objections against the disciplinary authority's order in his appeal. As the appellate authority did not consider the aforesaid appeal and disposed of it he has approached this Tribunal to quash the Annexure A-1 penalty order dated 17.9.2007 and the Annexure A-7 inquiry report dated 21.7.2005 forwarded to him through OM dated 14.9.2006.

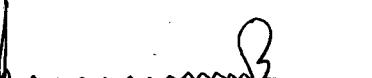
2. We have heard counsel for the applicant and also the counsel for the respondents. The appeal under CCS (CCA) Rules, 1965 is a statutory right of the government servant against whom punishment has been imposed under the said rules. Appellate authority is a statutory functionary and it is incumbent upon him to perform his duty as stipulated in the Rules 24 & 27 of CCS (CCA) Rules, 1965. The appellate authority cannot just ignore the statutory appeal received by him from a delinquent government servant who has been imposed with the punishment.

3. We, therefore, direct the second respondent, namely, the Administrator, Union Territory of Lakshadweep, Kavarathy who is the appellate authority in this case to consider and dispose of the Annexure A-9 appeal of the applicant dated 22.10.2007 within two months from the date of receipt of a copy of this order under intimation to the applicant. The applicant shall be at liberty to challenge the aforesaid order, if it goes

against him by any chance.

4. With the aforesaid direction this OA is disposed of. The applicant is entitled for a cost of Rs. 2,000/- for the reason that the Appellate Authority has failed to perform his statutory duty of disposing of the appeal of the applicant for two years and thus forcing the applicant to approach this Tribunal.


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(GEORGE PARACKEN)
JUDICIAL MEMBER

"SA"