

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.579/09

Tuesday this the 12th day of January 2010

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

R.Ashok Kumar,
Postal Assistant, Kattakkal. (under suspension)
Residing at Maniyankal, Vazhuthur,
Neyyattinkara P.O., Trivandrum – 695 121.

...Applicant

(By Advocate Mr.Thomas Abraham)

V e r s u s

1. Union of India represented by its Secretary,
Ministry for Postal Service, Government of India,
New Delhi.
2. Chief Post Master General,
Kerala Circle, CPMG Office, Thiruvananthapuram.
3. Post Master General, (Northern Region)
Office of the PMG, Calicut.
4. The Superintendent of Postal Offices,
Tirur Division, Tirur, Malappuram District.
5. P.V.Janardhanan,
Senior Post Master (Enquiring Authority),
Calicut – 673 001.

...Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC [R1-4]
& Mr.A.D.Raveendra Prasad [R5])

This application having been heard on 12th January 2010 the
Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has filed this O.A seeking the following reliefs and
interim relief :-

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Reliefs :-

- i. Quash Annexure A-5, Annexure A-8, Annexure A-9, Annexure A-10, Annexure A-11, Annexure A-14 and Annexure A-15 orders and Annexure A-12 Memorandum passed by the respondents 2 to 4 and to direct the respondents 2 to 4 to reinstate the petitioner back in service till the finalisation of the criminal cases pending before the CBI Court Ernakulam registered in connection with the alleged financial irregularities in Nirmaruthur Post Office.
- ii. Direct the 4th and 5th respondents not to conduct any inquiry under CCS (CCA) Rules 1965 and CCS (Conduct) Rules 1964 Rules before the CBI Court Ernakulam registered in connection with the alleged financial irregularities in Nirmaruthur Post Office.
- iii. Direct respondents 2 to 4 to conduct any inquiry under CCS (CCA) Rules 1965 and CCS (Conduct) Rules 1964 Rules if so decided to be held even after the final outcome of the criminal cases pending before the CBI Court Ernakulam registered in connection with the alleged financial irregularities in Nirmaruthur Post Office only in any District in Kerala other than Malappuram and Calicut.
- iv. Direct respondents 2 to 4 to disburse the arrears of subsistence allowance due to the applicant immediately from any office under the 2nd respondent in Trivandrum District considering the peculiar facts and circumstances of the case and continue to disburse the subsistence allowance in future from the place so fixed.
- v. Grant such other and further reliefs as may be prayed for and this Hon'ble Tribunal deems fit and proper to grant in the facts and circumstances of the case.

Interim relief :-

In view of the aforesaid facts and circumstances it is humbly prayed that this Hon'ble Tribunal may be pleased to stay the operation of Annexure A-14 and Annexure A-15 pending final decision in this Original Application for the fair play of justice.

2. When the matter was taken up for hearing today, counsel for the applicant stated that the enquiry is now going on smoothly and the next date of hearing is fixed on 19.1.2010. His only submission is that the



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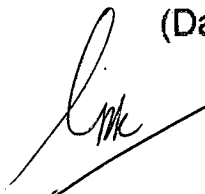
subsistence allowance sanctioned to the applicant vide Annexure A-6 Memo dated 31.1.2007 may be paid to him at Kuttipuram because of the threat faced by him at Tirur area.

3. The learned counsel for the respondents has, however, opposed the submission of the applicant's counsel.

4. We have considered the matter. We do not find anything inappropriate in the submission of the applicant's counsel. In the interest of justice, we, therefore, direct the Superintendent of Postal Offices, Tirur Division, Tirur to make arrangements for the monthly payment of the subsistence allowance to the applicant through the Post Master at Kuttipuram. The upto date outstanding amount payable to the applicant on this account shall also be paid to him within a period of one month from the date of receipt of this order.

5. With the aforesaid direction this O.A is closed. There shall be no order as to costs.

(Dated this the 12th day of January 2010)



K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

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