

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 581 OF 2010

Thursday, this the 8th day of July, 2010

CORAM:

**HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

P.P.Mohandas
Ex-Assistant Meteorologist Grade II
Residingat Prema Nivas
Mattannur P.O.
Kannur District

... Applicant

(By Advocate Mr.T.A.Rajan)

versus

1. Union of India represented by Secretary
Government of India
Ministry of Earth Science
New Delhi

2. The Secretary to Government of India
Ministry of Earth Science
New Delhi

3. The Director General of Meteorology
India Meteorological Department
New Delhi

4. The Deputy Director General of Meteorology
Regional Meteorological Centre
Chennai

5. The Director
Regional Meteorological Centre
Chennai

... Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC)

The application having been heard on 08.07.2010, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER

The applicant has filed this OA aggrieved by the punishment awarded by the Disciplinary Authority. Few facts of the OA is that while the



applicant was working as Meteorologist he was served with a charge memo dated 20.06.2007. Though he has given his explanation, the authority was not satisfied with the same and an inquiry has been conducted and as per Inquiry Report dated 31.07.2008, the charge has been proved. On the basis of the findings entered in the report, the Disciplinary Authority on getting a reply from the applicant, passed an order of punishment as evidenced from Annexure A-14, by which he was dismissed from service. Against the order passed by the Disciplinary Authority, an appeal has already been filed before the Appellate Authority, the 2nd respondent, viz., The Secretary, Government of India, Ministry of Earth Science, New Delhi as per appeal memo dated 27.04.2009. According to the counsel for the applicant, the said appeal has not been disposed of hitherto. Hence applicant has prayed that this Tribunal may interfere with the punishment awarded by the Disciplinary Authority.

2. After hearing Mr.T.A.Rajan, counsel for applicant and Mr.Sunil Jacob Jose, counsel appearing for respondents on receipt of a copy of the OA and on perusing the documents, we are of the view that the applicant has not exhausted the departmental remedy, though he has filed an appeal before the 2nd respondent. He cannot approach this Tribunal without exhausting the departmental remedy under Section 19 of the AT Act. We feel that as the applicant has approached this Tribunal, this OA can be disposed of by directing the 2nd respondent to dispose of the Annexure A-15 appeal within a reasonable time. Such a direction is given, that will be without going into the any merits of the OA or grounds urged by the applicant. Hence OA can be disposed of at the admission stage itself by directing the 2nd respondent to dispose of Annexure A-15 appeal within a



reasonable time, if it is till in that stage, within 90 days from the date of receipt of a copy of this order. It is also reported by the counsel for applicant that he is in receipt of the acknowledgment showing the receipt of appeal by 2nd respondent. If so, 2nd respondent shall consider the same and pass appropriate orders within the time stipulated above.

3. OA stands disposed of to the extent as stated above. There shall be no order as to costs.

Dated, the 8th July, 2010.


K.NOORJEHAN
ADMINISTRATIVE MEMBER


JUSTICE K.THANKAPPAN
JUDICIAL MEMBER

VS