IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 587 1990
T.A. No

DATE OF DECISION 18.4.91

C. Kunhan (O.A. 587/90)
V. D. Varghese (O.A. 594/90) Applicant (s)
K. X. Joseph Charles (O.A. 551/90)

Mr. R. Rajasekharan Pillai Advocate for the Applicant (s) in all the cases

Versus

Union of India represented by Secretary, Ministry of Finance, New Delhi and others Respondent (s)

Mr. N N Sugunapalan, SCGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. Krishnan, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

Mr. N. DHARMADAN, JUDICIAL MEMBER

These three cases are heard together on agreement of parties since common issue arises for consideration.

2. We are only referring to the facts in O.A. 587/90 for conveniance. The applicant is working as a Sepoy under the fourth respondent. He was involved in a clandestine currency transaction along with two other employees (applicants in the other two connected cases). The matter has been investigated by the CBI. In the meantime since there is a serious allegation involving huge amounts, the fourth respondent suspended the applicant

as per Annexure-A order dated 13.2.90 in contemplation of taking appropriate disciplinary proceedings against him under the provisions of CCS(CC&A) Rules of 1965. The applicant denied his involvement in the clandestine transaction and filed appeal against Annexure-A order before the Appellate authority which was dismissed conforming the order at Annexure-A as per Annexure-B order dated 7.6.90. The applicant is challenging the said order in this application on the ground that he is innocent and he was not involved in the alleged criminal action warranting any disciplinary proceedings as contemplated in Annexure-A order. The Appellate authority has not examined this aspect and confirmed the order. According to the applicant it is illegal and the order is liable to be set aside.

3. The respondents have filed a counter affidavit in which they have stated that on 6.2.90 the applicant and one V. D. Varghese another sepoy engaged a private jeep and conducted unauthorised road check and intercepted an Autorickshaw carrying four persons who were in possession of Indian currency to the tune of Rs. 10 lakhs. The applicant along with V. D. Varghese took Rs. 3 lakhs from the persons in possession of currency as illegal gratification and it is alleged that they shared the money with Shri K. X. Joseph Charles, another Sepoy. Action was taken for not reporting and initiating any legal action against them. The matter is being investigated by CBI and the fourth respondent

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simultaniously initiated disciplinary proceedings against the applicant and two others. Hence, the suspension order has been passed validly pending investigation and further enquiry in this matter.

4. When the case was taken up for hearing today the learned counsel for the applicant was not present. But we perused the records and heard the learned counsel for the respondents. Since the matter involved in this case is pending investigation and enquiry before the CBI and disciplinary authority, it may not be proper for us to go into the merits of the case. Accordingly at this stage, we are not going in to the merits of this case; but we are satisfied that there is sufficient justification for passing suspension order. It has been passed on the basis of reports of the Assistant Collector SCP Division, Calicut who has conducted investigation in to the alleged involvement of the applicant and two others in the illegal currency transaction as stated in the counter affidavit. The learned counsel for the respondents submitted that charges have already been finalised and will be served on the applicant within two weeks from today.

5. Taking into consideration the facts and circumstances of the case, we are of the view that there is no merit in this application and it is only to be dismissed. But we are only disposing of the application with the direction to the respondents 3 & 4 to finalise the disciplinary proceedings initiated against the applicant within a period of six

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months from the date of receipt of copy of this judgment.

We issue the same directions in the two connected cases O.A.No. 9 in which a copy of this order may be placed.
Accordingly, all the three cases are disposed of as above.

There will be no order as to costs.

18.4.91.

(N. DHARMADAN)
JUDICIAL MEMBER

18/4/91

(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER

KMN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Date of decison:19.7.93

Review Application No.53/93 in
M.P.s 313/93 & 314/93 in O.A.587/90.

Collector of Central Excise,
Cochin. .. Review Applicant

Vs.

C. Kunhan .. Respondent

Review Application No.54/93 in
MPs 311/93 & 312/93 in O.A.551/90

Collector of Central Excise,
Cochin. .. Review Applicant

Vs.

K.X. Joseph Charles .. Respondent

Review Application No.55/93 in
MPs 315/93 and 316/93 in O.A.594/90

Collector of Central Excise,
Cochin. .. Review Applicant

Vs.

V.D.Varghese .. Respondent

Mr.George CP Tharakan, SCGSC.. Advocate for Review Applicant in all cases.

Mr. R.Rajasekharan Pillai .. Advocate for respondents in all Review Applications.

CORAM

Hon'ble Mr.Justice Chettur Sankaran Nair, Vice Chairman

Hon'ble Mr. R.Rangarajan, Administrative member

JUDGMENT

Chettur Sankaran Nair (J), Vice Chairman.

These are applications to review Interlocutory orders passed, declining extension of time.

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Applications O.A.587/90, O.A.551/90 and O.A.594/90 were disposed of directing the petitioner herein, to pass certain orders within a time frame. To extend that time limit the Misecellaneous Petitions were filed. They were dismissed. These are the orders sought to be reviewed. There are no errors, much less errors apparent on the face of record, to review the orders. No reason is shown to warrant review of the orders on the Interlocutory applications. We dismiss the applications.

Dated the 19th day of July, 1993.

R. Rangarajan
Administrative Member

Chettur Sankaran Nair (J)
Vice Chairman

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