

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.74/04

Dated Tuesday this the 3rd day of February, 2004.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

P.Appukuttan Nair
S/o Parameswaran Pillai
Asha Bhavan
Avanavanchery
Trivandrum
(Postman, Attingal H.O. (Under Suspension)
PIN: 695 103

Applicant

(By advocate Mr.S.M.Prasanth)

Versus

1. Union of India
represented by the Secretary to the
Government of India
Department of Posts
New Delhi.
2. The Director of Postal Services
Trivandrum
Southern Region
Trivandrum.
3. The Superintendent of Post Offices
Trivandrum North Division
Trivandrum.

Respondents.


(By advocate Mrs.A.Rajeswari)

The application having been heard on 3rd February, 2004,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant is aggrieved by A-2 order dated 20.6.02 by which a penalty of compulsory retirement was imposed on him. Aggrieved by the penalty, the applicant submitted an appeal (Annexure A-3) to the second respondent on 27.9.03. As the period of submission of the appeal was over, the applicant had made an application to the appellate authority for condoning the delay on the ground that he was sick. The above said appeal has not been considered and disposed of. Since the penalty is one of compulsory retirement, the applicant has filed this application



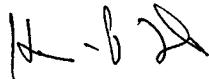
for a declaration that the disciplinary proceedings that culminated in the compulsory retirement of the applicant is in violation of principles of natural justice and for a direction to the 2nd respondent to dispose the A-3 appeal.

2. When the application came up for admission, Mrs.A.Rajeswari, ACGSC appeared on behalf of the respondents.

3. Taking note of the fact that the compulsory retirement is the penalty imposed, the learned counsel for the respondents agreed that the application may be disposed of directing the second respondent to condone the delay in filing the appeal and to dispose of the appeal on merits within a short time. The learned counsel for the applicant also stated that the applicant would be satisfied if such a direction was given to the second respondent.

4. In the facts and circumstances of the case and in the interests of justice, we dispose of this application in the light of the submissions made by the counsel for the parties, directing the second respondent to condone the delay in submitting A-3 appeal by the applicant and to dispose of the appeal on merits within a period of two months from the date of receipt of the copy of this order. No order as to costs.

Dated 3rd February, 2004.



H.P.DAS
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN

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