

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 78 of 1995

Tuesday this the 13th day of February, 1996.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P.K.Janardhanan,
S/o late Govindan Nambiar,
Parvathi Nivas, Chelari PO,
Kannadiparamba (Via)
Kannur District.

... Applicant

(By Advocate Mr. P.V.Mohanan for Sasindran)

Vs.

1. Superintendent of Post Offices,
Cannanore Division, Cannanore.
2. Assistant Superintendent of Post
Offices (Adhoc Disciplinary Authority)
Cannanore.

.... Respondents

(By Advocate Mr. Varghese P.Thomas, ACGSC)

The application having been heard on 13.2.1996, the
Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a declaration to the effect that
the disciplinary authority cannot proceed with the
enquiry contemplated by A3.

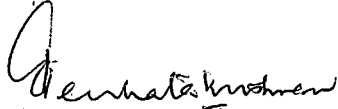
2. Applicant an Extra Departmental Agent was
charged with acts of misconduct under A-1. The charges
were dropped on the ground that there were 'typographical
errors' (A2). Thereafter proceedings were commenced
afresh under A3. Applicant protested but in vain.
His pleas were rejected by A5 and A7.


3. Learned counsel for applicant submits that in the circumstances of the case A2 should be treated as an order exonerating applicant and that further action cannot be taken under Rule 8. This aspect must be considered by the Revisional Authority.

4. Applicant may move the authority under Rule 16 of the Extra Departmental Agents (Conduct and Service) Rules. If a 'review' application is made within thirty days from today, it will be treated as validly instituted and the competent authority will consider the same on merits with particular reference to Rule 8 of the Rules aforesaid and pass a speaking order thereon within two months of the date of receipt of the application.

5. With the aforesaid directions, we dispose of the application. Parties will suffer their costs.

Dated the 13th February, 1996.


P.V.VENKATĀKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

List of Annexures

Annexure A1: True copy of Memorandum of Charges
(Memo No ASP/INQ/PKJ) dated 24.8.94
issued by 2nd respondent.

Annexure A2: True copy of Proceedings (Memo No. ASP/
INQ/PKJ) dated 20.10.1994 issued by 2nd respondent

Annexure A3: True copy of Proceedings (Memo No. ASP/INQ/PKJ)
dated 21.10.1994 issued by 2nd respondent.

Annexure A5: True copy of order dated 30.11.94 issued
by 2nd respondent.

Annexure A-7: True copy of Proceedings (Memo No.F1/12/93-94)
dated 15.12.1994 issued by 1st respondent.