

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.96/98

Wednesday this the 18th day of February, 1998.

CORAM

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

K.Vijayamohanan Nair,  
LSGSA (Last Selection Grade Sorting Assistant)  
(  
(Dismissed from service)  
Head Record Office,  
Trivandrum.l. residing at  
R.K.Bhavan, Koonthalloor,  
Chirayankeezhil PO. ....Applicant

(By Advocate Mr. K.C. Eldho (represented))

Vs.

1. Senior Superintendent  
(Disciplinary Authority)  
Railway Mail Service, TV Division,  
Trivandrum.
2. Senior Superintendent,  
(Enquiry Officer)  
Railway Mail Service, T.V.Division,  
Trivandrum.
3. Office of the S.S.P of Post Offices,  
Kollam  
Assistant Superintendent of Post Offices,  
Kollam (Enquiry Authority)
4. Chief Post Master General,  
Office of the Post Master General,  
Postal & Telegram, Kerala Circle,  
PMG Junction, Trivandrum. ...Respondents

(By Advocate Mr. Sunil Jose, ACGSC)

The application having been heard on 18.2.98, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant a Lower Selection Grade Sorting Assistant was dismissed from service by order dated 13.2.97 (A4) by the first respondent on the basis of an enquiry held against him for certain alleged misconduct. The applicant assails this order on various

grounds including that he has been denied reasonable opportunity to defend himself at the enquiry. The applicant has not taken recourse to the statutory remedy of appeal, which is provided for.

2. When the application came up for hearing Shri Sunil Jose, Addl. C.G.S.C. appeared for the respondents. The standing counsel stated that the application is premature as the applicant has not exhausted the departmental remedy of appeal and that therefore the application reserves to be rejected. However, he gracefully agreed that if the applicant now files an appeal against the impugned order A4, without considering the appeal as time barred, the 4th respondent would consider the appeal on merits and pass a speaking order within any time to be stipulated by this Tribunal. Learned counsel for the applicant stated that the applicant would be satisfied if the application is disposed of at this stage with appropriate direction for disposal of the appeal to be filed by him.

3. In the light of what is stated above the application is disposed of at this stage giving an opportunity to the applicant to prefer an appeal against the impugned order A4 within two weeks from today to the ~~4th respondent~~  
\*\* ~~4th respondent~~ and with a direction to the ~~4th respondent~~  
\*\* ~~4th respondent~~ that if such an appeal is filed by the applicant the same shall be considered on merits without treating it as time barred in accordance with law and

\*\*The Director of Postal Services  
Southern Region.

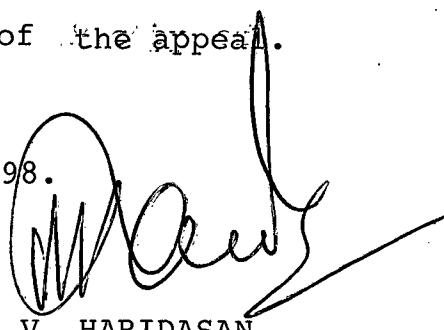
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Corrected vide order in  
R.A.18/98 in O.A.96/98  
dated 23.9.1998.

✓

to give the applicant a speaking order within a period of three months from the date of receipt of the appeal. No order as to costs.

Dated the 18th day of February, 1998.



A.V. HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURE

1. Annexure A4: Order No.SSRM/Con/1/DASC-1, DASC-1, dated 13.2.1997 issued by the 1st respondent to the applicant.

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