

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 130 of 2003

Friday, this the 21st day of February, 2003

CORAM

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. C. Gopalakrishna Pillai,
HSG II PA (CO)(under Suspension),
Office of PMG, Central Region, Cochin,
residing at Narayananapuram,
K.S. Mangalam, Vaikom - 686 608Applicant

[By Advocate Mr. PA Kumaran for Mr. MR Rajendran Nair]

Versus

1. The Assistant Director,
Office of the PMG, Kochi - 682 016
2. Director of Postal Services,
Office of the PMG, Kochi - 16
3. CPMG, Kerala Circle, Trivandrum.
4. Union of India represented by the
Secretary to Government of India,
Ministry of Communications, New Delhi.Respondents

[By Advocate Mr. M.R. Suresh, ACGSC]

The application having been heard on 21-2-2003; the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant, Shri C Gopalakrishna Pillai, while
working as Higher Selection Grade-II Postal Assistant, was
placed under suspension for the alleged misbehaviour cited in
the charge sheet issued by the 2nd respondent, which states
that the applicant had shouted in the office, used filthy,
abusive words in an intoxicated condition against occupants of
staff quarters, disrupted peace, caused nuisance at the staff
quarters complex and also that he used abusive words in an
intoxicated condition within the office premises. The

[Signature]

applicant was placed under suspension as per Annexure A1, order dated 3-4-2001. The enquiry has not so far been over. His efforts to get reinstated have not yielded any result inspite of several representations presumably on the ground that the enquiries are still in progress. The applicant's case is that the suspension order has been made without proper application of mind and having no regard to the nature of the alleged misbehaviour. He would also maintain that his reinstatement would not affect the conduct of the enquiry in any manner. He would, therefore, seek relief by way of an order directing the respondents to reinstate him immediately.

2. When the matter came up for consideration for admission, it was pointed by Shri P.A.Kumaran, learned counsel for the applicant, that Annexure A6 representation dated 5-11-2002 highlighting the fact that there was no reason to continue the applicant's suspension has not so far been considered by the respondents and that, therefore, the purpose of this OA would be served, if the applicant's request for reinstatement on the basis of the facts mentioned in Annexure A6 representation is considered by the respondents and an appropriate order is passed. Shri M.R.Suresh, learned ACGSC who takes notice on behalf of respondents, would state that there is no objection to such a course of action being taken.

3. In the light of the submissions by the learned counsel on either side, we deem it appropriate to dispose of this Original Application by directing the respondents to consider the applicant's representation Annexure A6 and to reinstate him if on the facts and circumstances, the respondents are of the opinion that reinstatement of the applicant would not hamper the smooth conduct of the enquiry particularly with reference to processing of the evidence which is crucial to the proper

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culmination of the enquiry and, in any case, to pass appropriate order dealing with the matter in a speaking manner so that the applicant is enlightened on the factual circumstances under which such a decision has been taken. We direct the respondents to do so accordingly. The above directions shall be complied with by the respondents within two months from the date of receipt of a copy of this order.

4. The Original Application is disposed of as above. No order as to costs.

Friday, this the 21st day of February, 2003



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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