

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH  
ERNAKULAM

DATE OF DECISION

SEVENTH MARCH, 1990.

PRESENT

Hon'ble Shri S.P.Mukerji, Vice Chairman  
&  
Hon'ble Shri N.Dharmadan, Judicial Member

ORIGINAL APPLICATION NO.139/90

P.J. Poullose .. Applicant

Vs.

1. The Assistant Engineer,  
Cross Bar Telephone Exchange,  
Muvattupuzha.

2. The Divisional Engineer  
(Administration)  
Office of the General Manager,  
Telecom, Ernakulam.

3. Union of India, represented by  
Secretary to Government,  
Ministry of Communications,  
New Delhi.

.. Respondents

Counsel for the applicant

.. M/s. M.R.Rajendran  
Nair & PV Asha

Counsel for the respondents

.. Mr.P.S.Biju-ACGSC.

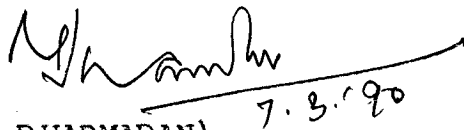
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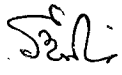
(Hon'ble Shri S.P.Mukerji, Vice Chairman)

We have heard the learned counsel for both  
the parties and gone through the documents carefully.  
The counsel for the applicant has argued that ~~since~~ the  
alleged misconduct for which the disciplinary proceedings  
have been initiated relate to a matter which according  
to the applicant arose before he was appointed to Govern-  
ment service. The contention of the learned counsel is

that any alleged misconduct perpetrated by a person before he entered Government service cannot be brought within the four corners of "misconduct" as contemplated in the Disciplinary and Appeal Rules. His further contention is that the allegation at Annexure-I per se will not otherwise also constitute misconduct. We do not wish to intervene at this stage before even the aforesaid issues <sup>are</sup> ~~is~~ duly considered by the disciplinary authority.

2. In the circumstances we close this application with the direction that the applicant if so advised should raise the aforesaid points in his reply to the Memorandum at Annexure A.1 and the respondents are directed to decide these preliminary issues <sup>through the competent authority</sup> before further action on the Memorandum is taken. The applicant should raise these points within a period of two weeks from today and the respondents are directed to ~~decide~~ <sup>decided by the competent authority</sup> get these issues <sup>decided by the competent authority</sup> within a period of one month from the date of receipt of the preliminary objections so raised. The applicant will have at that stage the liberty to approach this Tribunal if so advised and in accordance with law, if he is aggrieved by the decisions <sup>on</sup> ~~of~~ the preliminary objections <sup>on</sup> ~~of~~ raised by him. There will be no order as to costs.

  
(N. DHARMADAN)  
JUDICIAL MEMBER

  
(S.P. MUKERJI)  
VICE CHAIRMAN

7.3.90