

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 160 of 1995

Thursday, this the 7th day of March, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

M Kunji Koya,
Farash,
Census Liaison Office,
Willington Island,
Kochi.

.. Applicant

By Advocate Mr M V Thamban (represented).

Vs

1 K P Damodaran,
Office Superintendent,
Office of the Director of Census Operation,
Union Territory of Lakshadweep,
Kadamath.

2 The Assistant Director,
Census Operations, Lakshadweep,
Union Territory of Lakshadweep,
Kavaratty.

3 The Director of Census Operations
(Administrator, Union Territory of
Lakshadweep), Kavaratti.

.. Respondents

By Advocate Mr TPM Ibrahim Khan, Sr.CGSC (represented).

The application having been heard on 7th March 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Disciplinary proceedings were instituted against the applicant and six heads of charges were framed. Lack of punctuality, failure to perform duties, quarrelling with superiors and so on were the charges. Applicant was found guilty of the charges and an appeal was filed. The appeal was dismissed by A4 order. A4 order is signed by the disciplinary authority

himself. To make it appear that it was someone else and not the disciplinary authority who passed the order, respondents have produced R2(L) with their reply statement. An order must speak for itself and it cannot be judged with reference to extraneous material. If that were possible (we are not suggesting so), proper orders can be brought into existence, long after they are supposed to be passed. R2(L) shows that the disciplinary authority had submitted a very elaborate note. Under that, the Director wrote; "Please examine". After that we find a note by the Secretary to the Administrator to the effect:

"The individual has totally ignored the charge memo and denied to accept it..procedure has been observed fully and has not been vitiated. As regards the punishment imposed, it is not too harsh.."

This is the note of the Secretary to the Administrator, and not the order by the Administrator. Respondents have made matters worse by producing R2(L) which shows that a decision was taken by the Secretary to the Administrator. To crown it all, there is a following endorsement:

"The Administrator and Director of Census Operations could not sign the draft order. The Assistant Director may communicate the orders."

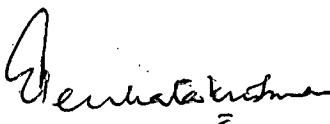
It gives the impression that the authority whose mind was to come into picture was quite outside that and that something without even the authority of a signature was masqueraded as the order of the appellate authority.

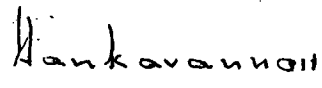
2. We quash the order A4 and remit the appeal to the appellate authority for appropriate action. There is another

prayer to quash the transfer order. Plural reliefs cannot be granted. Quite apart from that, we find no reason to grant it.

3. Application is disposed of as aforesaid. No costs.

Dated, the 7th March, 1996.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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List of Annexures

1. Annexure A4: True copy of Order No.F.No.2/26/93-Estt/738 dated 22/9/1994 issued by the 2nd respondent to the applicant
2. Annexure R2(L): True copy of confidential Notings in F.No.2/26/93-Estt.regarding misconduct and misbehaviour of the applicant in the office of the 3rd respondent-Disciplinary Action.

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

C.P.C. 107/95 in O.A. 161/95.

Tuesday this the 21st day of November, 1995.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

K. Krishnankutty Nair,
Retired Compositor Grade-I,
Kinarullakandiyil House,
P.O. Chathamangalam,
(Via) Regional Engineering College,
Calicut.

.. Petitioner

(By Advocate Shri M.R. Rajendran Nair)

Vs.

G.S. Chima, Administrator,
Union Territory of Lakshadweep,
Kavarathi.

.. Respondent

(By Advocate Shri MVS Nampoothiri (represented))

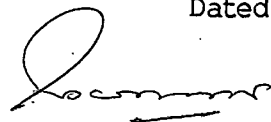
The petition having been heard on 21st November, 1995,
the Tribunal on the same day delivered the following:

O R D E R

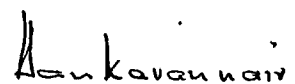
CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Standing counsel for respondent submits that the directions in the Original Application have been complied with. The statement is not disputed, though it is said that petitioner is entitled to certain reliefs in addition to what has been granted. If so, he must work out his remedies outside the contempt petition. Recording the statement of counsel for respondent we dismiss the petition. No costs.

Dated, the 21st day of November, 1995.



SP BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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