

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 172 of 199 3.

DATE OF DECISION 1.2.1993

Thomas T.D. Applicant (s)

Mr. P.R. Padmanabhan Nair Advocate for the Applicant (s)

Versus

Sr. Supdt. of Post Offices, Respondent (s)
Kottayam Division and another

Mr. T.K. Venugopalan, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P. Mukerji, Vice Chairman
and

The Hon'ble Mr. A.V. Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *le*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. To be circulated to all Benches of the Tribunal? *no*

JUDGEMENT

(Hon'ble Shri A.V. Haridasan, Judicial Member)

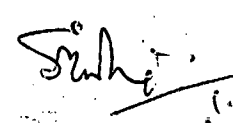
The applicant, an E.D. Branch Post Master, Kaipally Branch P.O. in Pala Sub Division under Kottayam Division has filed this application under Section 19 of the Administrative Tribunals Act impugning the order dated 29.4.92 of the Senior Superintendent of Post Offices (1st respondent) removing him from service as a result of the disciplinary proceedings held against him. Though the applicant has filed an appeal to the second respondent on 10.6.92 since the appeal has not so far been disposed of, the applicant has filed this application praying that the impugned order ^{may} be quashed and the respondents be directed to reinstate him in service with consequential benefits. The applicant has alleged that the inquiry

was held in violation of principles of natural justice and that the findings of the disciplinary authority ~~are~~ ^{are} perverse. He has also alleged that the inquiry authority was biased against him. However, the applicant's appeal has not been disposed of. Now that the applicant has filed an appeal and that the appeal has not yet been disposed of by the appellate authority, we felt that it would be more appropriate if the entire case is considered and circumstances evaluated at first by the appellate authority before any judicial intervention.

2. When this aspect was put to the learned counsel on either side, they agreed that at the admission stage itself the application can be disposed of with a direction to the appellate authority to dispose of the appeal in accordance with law, within a reasonable time.

3. In the result we admit this application and dispose of the same with a direction to the second respondent to consider and dispose of the appeal submitted by the applicant at Annexure-16 with a speaking order after giving him a personal hearing, within a period of two months from the date of communication of a copy of this order. There is no order as to costs.


(A.V. Haridasan)
Judicial Member


(S.R. Mukerji)
Vice Chairman

1.2.93