

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A No.2/2005

Wednesday the 12th October 2006

C O R A M:

HON'BLE SMT SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.K.B.S.RAJAN, JUDICIAL MEMBER

G.Philipose Panicker, S/o K.Geevarghese Panicker
HSG I Sub Record Officer, RMS 'TV' Division,
SRO Kollam, R/o Maliekkal, KSHB Flat No.102
Chinnakada, Kollam.

Applicant.

(By Mr.Sasiharan Chempazhanthiyil, Advocate)

Vs.

- 1 Senior Superintendent of Railway Mails RMS 'TV' Division, Thiruvananthapuram.
- 2 T.A.Chellappan, formerly SSRM 'TV' Division, now working as Senior Superintendent of Post Offices, Palghat.
- 3 Director of Postal Services, Headquarters, Thiruvananthapuram.
- 4 Chief Postmaster General, Kerala Postal Circle Thiruvananthapuram.
- 5 Union of India represented by its Secretary, Ministry of Communications, New Delhi.

Respondents.

(By Mr.TPM Ibrahim Khan, SCGSC)

O R D E R

HON'BLE SMT SATHI NAIR, VICE CHAIRMAN.

The applicant in this O.A worked as Warrant Officer who served in the Army Postal Service and is aggrieved by Annx.A8, charge sheet, issued to him. The cause of action for the charges is that he obtained the allotment

of a Flat from the Kerala State Housing Board by producing his discharge certificate and claiming the status of an Ex-service man by fraudulent means. It is submitted that the claim of the applicant was admitted by the Housing Board and the Flat was allotted to him, therefore, the charge sheet issued by the 2nd respondent is based on malice on the part of the 2nd respondent against the applicant.

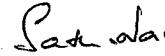
2 When the matter came up for hearing, the counsel for the applicant submitted that some developments have taken place after filing the O.A. The inquiry that proceeded after issue of the charge sheet, the applicant participated in the inquiry and the inquiry report has been submitted by the Inquiry Officer and the matter is pending before the Disciplinary Authority. The counsel for the applicant also brought to our notice certain facts as in Annxs.A15 to A17 on the basis of which he alleged the grounds of malafides against the 2nd respondent and submits that the question of malafide has also been agitated before the Inquiry Officer.

3 The main relief sought by the applicant in the O.A is to quash the charge sheet and for a direction to grant him promotion as HSG-I. In the light of the submissions now made by the counsel for the applicant that the inquiry is over and the Inquiry Officer has finalised the inquiry report, there is no question of considering the relief for quashing the charge sheet. The question of further promotion would be decided after the disciplinary authority takes a final view and the disciplinary case is concluded. We do not find any reason for adjudicating the reliefs as prayed in the O.A at this stage. We, therefore, dispose of the O.A directing the respondents to take a decision on the inquiry report as expeditiously as possible and consider the

promotion of the applicant thereafter in accordance with rules. No order as to costs.



(K.B.S.Rajan)
Judicial Member



(Sathi Nair)
Vice Chairman

kkj