

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

**O.A. NO. 19 OF 2011**

Thursday, this the 9<sup>th</sup> day of August 2012

**CORAM:**

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER  
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

K.P.Sadanandan  
Retired Mail Guard  
RMS, CT Division, Calicut  
Residing at Sree Padmam, Thavanoor PO  
Malappuram – 679 573 ... Applicant

(By Advocate Mr.M.R.Hariraj )

versus

1. Union of India represented by the Secretary  
Ministry of Communication  
Department of Posts  
New Delhi
2. Chief Postmaster General  
Kerala Circle  
Thiruvananthapuram – 33
3. Director of Postal Services  
Northern Region  
Calicut – 673 011
4. Superintendent of Post Offices  
Thalassery Division  
Thlassery – 670 102
5. Superintendent  
RMS, CT Division  
Calicut - 32 ... Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil )

The application having been heard on 09.08.2012, the Tribunal on the same day delivered the following:

**ORDER**

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER**

The applicant was working as Mail Guard, RMS, CT Division, Calicut. He was issued with a charge sheet, Annexure A-2 alleging unruly behaviour towards superiors. Though the applicant denied the charges, the Disciplinary



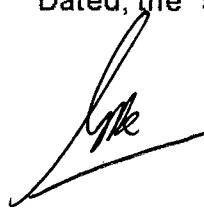
: 2 :

Authority proceeded to hold an inquiry. The Inquiry Officer found him guilty of all the charges levelled against him. Subsequently he was imposed with a major penalty of compulsory retirement from service. Then the applicant filed an appeal before the Appellate authority which was confirmed by them. Hence he has filed the present OA. Though there is remedy by way of revision to higher authorities, the applicant has not invoked the same. The only point urged before us is that the applicant was not in a position to understand about his behaviour as he was suffering from mental ailment which he got cured subsequently. On this subsequent event the applicant contended before the Appellate Authority that the inquiry and the alleged misbehaviour had happened when he was suffering from mental ailment. He prays that a lenient view be taken in the matter and also contends that there is violation of principles of natural justice. The Appellate Authority did not agree with the applicant. According to the Appellate Authority the contention was only a ploy.

2. After arguing for sometime, the learned counsel for applicant submitted that he wanted to file a revision petition before the higher authorities. In the factual situation, this is a matter for the executive to consider whether any relief could be granted to the applicant. We permit the applicant to withdraw the OA without prejudice to his right to make a representation in the form of revision before the higher authorities.

3. OA is **dismissed** as withdrawn. No costs.

Dated, the 9<sup>th</sup> August, 2012.



**K GEORGE JOSEPH**  
**ADMINISTRATIVE MEMBER**



**JUSTICE P.R.RAMAN**  
**JUDICIAL MEMBER**

vs