

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 19 OF 2011

Thursday, this the 9th 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



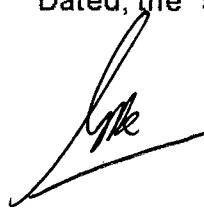
: 2 :

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.

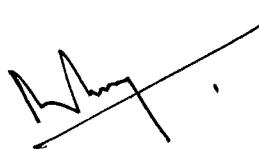
2. After arguing for sometime, the learned counsel for applicant submitted that he wanted to file a revision petition before the higher authorities. In the factual situation, this is a matter for the executive to consider whether any relief could be granted to the applicant. We permit the applicant to 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 9th August, 2012.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R.RAMAN
JUDICIAL MEMBER

vs