

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.197 of 1996

Friday, this the 23rd day of February, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR S P BISWAS, ADMINISTRATIVE MEMBER

K. Padmanabhan, S/o Late Karuppan,
Sanitary Cleaner,
Under Chief Health Inspector/Station,
Southern Railway,
Trivandrum Central.

.. Applicant

By Advocate Mr. T C Govindaswamy.

Vs

1 Union of India through
the General Manager,
Southern Railway, Madras- 3.

2 The Chief Personnel Officer,
Southern Railway,
Headquarters Office, Madras -3.

3 The Divisional Personnel Officer,
Southern Railway,
Trivandrum Division, Trivandrum-14.

4 The Medical Superintendent,
Railway Hospital,
Southern Railway,
Trivandrum Pettah, Trivandrum. .. Respondents

By Advocate Mrs Sumathi Dandapani.

The application having been heard on 23rd February 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant challenges A-4 order, by which his
services were terminated.

2 He was granted an appointment on compassionate
grounds consequent on the death of one Karuppan, whom
he claimed to be his father. Suspicions of respondents

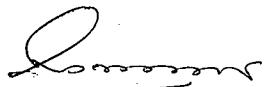
were alerted and a vigilance enquiry was made. The Vigilance Officer after questioning applicant and others came to the conclusion that applicant was not the son of Karuppan and that he had obtained an appointment fraudulently.

3 Even assuming that the report of the Vigilance Officer is beyond reproach, it cannot be acted upon by the disciplinary authority without affording a reasonable opportunity to applicant to put forward his defences, submits his counsel.

4 We have called for the files of the case and heard the Standing counsel for respondents. In spite of the elaborate arguments advanced by counsel for respondents, we cannot persuade ourselves to the view that a reasonable opportunity was afforded to applicant to defend himself. For that short reason, we quash A-4. Respondents will be free to hold an enquiry into the allegations affording a reasonable opportunity to applicant to defend himself. If respondents consider it essential to do so, they may place applicant under suspension. Enquiry proceedings if any, will be completed within four months from today.

5 Original application is allowed as aforesaid.
No costs.

Dated the 23rd February, 1996.



S P BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

LIST OF ANNEXURE

1. Annexure A4: A true copy of the memorandum bearing No. V/Z 735/620 dated 6/7.2.96 issued by the fourth respondent.

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