

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A No. 203 / 2009

Thursday, this the 11th day of November, 2010.

CORAM

HON'BLE Ms. K NOORJEHAN, ADMINISTRATIVE MEMBER

HON'BLE DR K.B.SURESH, JUDICIAL MEMBER

Dr. Muhazin Pali
Chempattimadda Pali House,
Andrott Island,
U.T. of Lakshadweep.Applicant

(By Advocate Mr T.K.Saidalikutty)

v.

1. The Sub Divisional Officer,
Andrott Island,
U.T of Lakshadweep.
2. The Director (Animal Husbandry),
U.T of Lakshadweep, Kavaratti.
3. The Collector & Development Commissioner,
U.T of Lakshadweep, Kavaratti.
4. Union of India represented by
The Administrator,
U.T of Lakshadweep, Kavaratti.
5. T.M.Rahmathulla,
S/o Aliyathara Sayed,
Tharampalli Makket House,
Andrott Island,
U.T of Lakshadweep.Respondents

(By Advocate Mr S.Radhakrishnan for R.1 to 4)

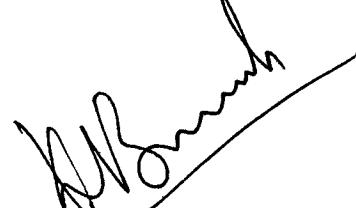
(By Advocate Mr P.N.Udaya Bhanu for R.5)

This application having been finally heard on 3.11.2010, the Tribunal on 11.11.2010 delivered the following:

ORDER

HON'BLE DR K.B.SURESH, JUDICIAL MEMBER

The value of compromise as an administrative device and the

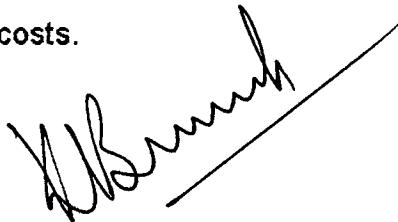


Shakespearean edict that a rose by any other name would smell as sweet seems to be the crux of the matter. The applicant being an Assistant Veterinary Surgeon had given permission for the slaughter of a cow. But apparently his subordinate who had to be present during the slaughter had reported to him vide Annexure A-3 that the cow slaughtered was for which no permission granted and also rejected as unfit on an earlier round. He reported it to the superior officer who is the applicant herein and he vide a specific order had directed that the cow which was slaughtered was not fit for human consumption and directed it to be buried. Vide Annexure A-5 apparently some flesh was taken from the cow on the request of the butcher but it was found that there was no facility for its examination to find out whether the cow is diseased or not. Vide Annexure A-6 the Veterinary Surgeon seems to have given a report explaining the situation. The concerned authorities had deputed the Collector-cum-Development Commissioner to conduct an enquiry.

2. The Collector, in his findings conducted on 17.12.2006, that a licensed butcher had brought a diseased cow for slaughter, for which permission was not granted. But apparently, utilising the permit which was granted for yet another cow, the diseased cow was slaughtered and that too in the absence of the veterinary representatives. The Collector found fault with the Surgeon on the ground that indelible marking indicating permission were absent in the slaughtered cow. If that is so, it is crystal clear that it may not be the cow for which permission was granted. In other words, the onus is on the butcher to prove that he had slaughtered only the cow with permission and that too in the presence of veterinary representative. The Collector seems to have arrived at a finding with no factual basis and based on extraneous reasons.

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3. The administration have filed a reply enclosing representation from political figures and the applicant filed a rejoinder enclosing mass representation from local people. Therefore, it is crystal clear that application of mind of authorities concerned were vitiated by extraneous features. They could have probably held that the applicant is guilty by cogent evidence. But they cannot put suspicion above evidence. His actions as Government servant is protected under law. If the private party is aggrieved by such proposition it is open him to approach appropriate civil judicial authorities for compensation or for declaration as the case may be. But it is not the function of the Collector to direct recovery from the salary of an employee for an act by which allegedly has occasioned to a citizen. Therefore, the authorities have transgressed the limits of law. The impugned order is therefore quashed. O.A is allowed. There shall be no order as to costs.



DR K.B.SURESH
JUDICIAL MEMBER



K NOORJEHAN
ADMINISTRATIVE MEMBER

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