

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**O.A.No.205/2009
Dated the 1st day of April, 2009**

**CORAM :
HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms K NOORJEHAN, ADMINISTRATIVE MEMBER**

Induchoodan C G,
Therathenal House,
South Eroor,
Thripunithura now residing at
Tamimi Global, 02M, Jubail
P.O.No.10952, Jubail Industrial City,
KSA : 31961. ... Applicant

By Advocate M/s. S Sreekumar & S Vaidyanathan

V/s

- 1 Mr V Rajendran, Advocate,
Enquiry Officer,
Hindustan Organics Chemicals Ltd,
Ambalamughal, Kochi- 682 302.
- 2 General Manager,
Hindustan Organic Chemicals Ltd,
Ambalamughal, Kochi-682 302.
- 3 The Chairman & Managing Director,
Hindustan Organic Chemicals Ltd,
Harchandrai House, 81, Maharshi Karve Rd,
Mumbai - 400 002.
- 4 Vijayakumar K K,
Deputy General Manager (P&A),
Hindustan Organic Chemicals Ltd,
Ambalamughal,
Kochi-682302. ... Respondents

By Advocate M/s Menon & Menon



This application having been heard on 01.04.2009 the Tribunal on the same day:delivered the following

(ORDER)

HON'BLE MR GEORGE PARACKEN, JUDICIAL MEMBER

The respondent has proceeded against the applicant under the HOCL Conduct Discipline & Appeal Rules and the following charges were levelled against him:-

- "1 Absence without prior permission or leave from 17.7.2008 onwards.
- 2 Violation of clause 14(1) of CDA Rules, which read as under:-
"No employee of the company shall, except with the previous sanction of the competent authority, be engaged directly or indirectly in any trade or business or undertake any other employment whether for remuneration or not."
- 3 Willful insubordination and disobedience.
- 4 Overstaying the sanctioned leave for more than 4 consecutive days without sufficient grounds.
- 5 furnishing false information during the course of employment.
- 6 Acting in a manner prejudicial to the interest of the company.
- 7 Pursuance of conduct unbecoming of an employees of your status.
- 8 Dishonesty in connection with the business of the company.
- 9 Commission of act subversive of discipline or good behaviour."

2 Thereafter, Enquiry Officer appointed by the Disciplinary Authority issued notice to the applicant for the hearing. As the applicant was away at Saudi Arabia, he had requested the Enquiry Officer to permit his wife to attend the proceedings as his Power of Attorney holder. She, accordingly, attended the hearing on behalf of the applicant held on



14.1.2009. However, by the Annexure A-11 proceedings dated 21.1.2009, the Enquiry Officer did not permit the applicant's wife to participate in the enquiry proceedings on the ground that the CDA Rules insist for the personal presence of the delinquent employee and appearance through a Power of Attorney can not be allowed. Against the aforesaid act of the enquiry officer, the applicant has approached this Tribunal with the present OA.

3 In the prayer clause, he has sought a direction to set aside the Annexure A-11 proceedings held by Enquiry Officer that he can be represented in the disciplinary proceedings through his Power of Attorney Holder.

4. Learned counsel for the applicant has further submitted that in the present facts and circumstances of the case, the applicant is not interested in continuing with the respondents and he wants to take voluntary retirement. He has also brought to our notice that the applicant has made the Annexure A 3 and A-5 letters dated 14.07.2008 and 08.08.2008 in this regard. The learned counsel has, therefore, made an oral prayer that the applicant may be allowed to take voluntary retirement from service and the respondents should be directed to consider the same.

5. Learned counsel for the respondents has, however, submitted that the enquiry proceedings are in the final stage and that the enquiry officer would be submitting the report to the disciplinary authority in due course.

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4 We have heard learned counsel Shri Mr. S. Sreekumar for the applicant and learned counsel Mr. Shaiju for M/s. Menon & Menon for respondents. The respondents may not be interested to keep an unwilling worker with them. If the applicant is permitted to take voluntary retirement from service, the matter will also be closed once and for all. The charge leveled against him is also, unauthorised absence from duty. We, therefore, allow the applicant to make an unequivocal representation to the respondents within one month from today to permit him to be admitted to voluntary retire from service with effect from the date he has been absent from duty. If such an application is received from the applicant himself, the respondents shall consider the same within a period of two months thereafter and communicate the decision to him. Till such time, the enquiry proceedings initiated against the applicant shall remain be stayed. With the aforesaid direction, this OA is disposed of. There shall be no orders as to costs.


K NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

abp