

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.233/98

Tuesday the 29th day of August, 2000.

CORAM

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER
HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Suresh Babu.K.
S/o K.Karunakaran Nair
Temporary Status Mazdoor
Cables Telephone Exchange
Perumbavoor.
Residing at Puthukattussery House
North Mazhuvanoor, Mazhuvanoor P.O.
Keezhillam (via) ...Applicant
By advocate Mr. M.R.Rajendran Nair

Versus

1. Sub Divisional Engineer, Cables
Perumbavoor.
2. Union of India represented by
Secretary, Department of
Communication, New Delhi. ...Respondents

By advocate Mr.S.K.Balachandran, ACGSC

The application having been heard on 29th August, 2000,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

Applicant seeks to quash A-1 and to direct the respondent
to allow him to continue in service without interruption.

2. Applicant is working as temporary status mazdoor under
the first respondent. He was served with A-1 impugned order
terminating his service with effect from 19.2.98 afternoon
by treating the period from 21.1.98 to 19.2.98 as notice period
of 30 days. Applicant says that A-1 order was issued in gross
violation of the principles of natural justice, that no enquiry
was held, that no opportunity of being heard was afforded to
him, that the report of the Sub Divisional Engineer, Vigilance
referred to in A-3 was not furnished to him and that inspite
of request made by him in his representation(A-4) to hold an
enquiry, the first respondent did not care to conduct an
enquiry.

3. Respondents contend that the applicant was instrumental in diverting the lines of telephone No.522382 to telephone No.526148 causing heavy loss to the department. The misconduct on the part of the applicant was proved beyond reasonable doubt by an investigation conducted by the department. It is not correct to say that no enquiry was conducted. A detailed investigation was carried out. The impugned order was issued only after conducting a thorough inquiry in the matter.

As far as non-furnishing of vigilance report to the applicant is concerned, such reports are confidential in nature and are not usually supplied to the accused official. A-1 impugned order says that if the applicant has anything more to explain, he may do so in writing to the Sub Divisional Engineer (Cables), Perumbavoor within 7 days of receipt of A-1. It is the admitted case of the applicant that in pursuance of the same, he has submitted A-5 to the Sub Divisional Engineer (Cables), Perum Perumbavoor. A-5 is dated 31.1.98. This Original Application was filed on 11.2.98. By virtue of an interim order granted by this bench of the Tribunal, the applicant is continuing under the first respondent.

4. Since A-1 provides an opportunity to the applicant to state what he has to say against A-1 and the same has been done and the OA was filed before the A-5 representation was disposed of, it is only just and proper to direct the first respondent to consider A-5 and pass appropriate orders.

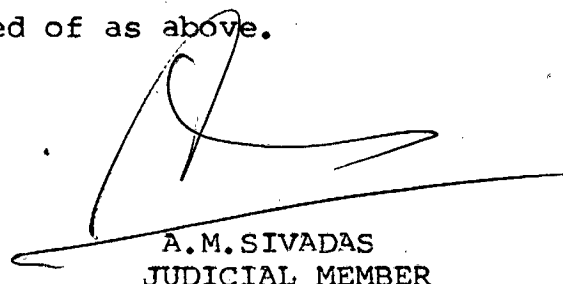
5. Accordingly first respondent is directed to consider and pass appropriate orders on A-5 as expeditiously as possible. The services of the applicant shall not be terminated before the disposal of A-5.

6. Original Application is disposed of as above.

Dated 29th August, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

Annexures referred to in this order:

- A-1: True copy of the memo No.X2/PBR/1/97-98 dated 20.1.98 issued by the 1st respondent.
- A-3: True copy of the memo No.Q 12/PBR/2 dated 23.10.97 issued by the 1st respondent.
- A-4: True copy of the representation dated 2.11.97 along with its English translation submitted by the applicant to the 1st respondent.
- A-5: True copy of the representation dated 31.1.98 submitted by the applicant to the 1st respondent.