

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 248 of 2011

Friday, this the 1st day of July, 2011

Hon'ble Justice Mr. P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

R. Mohanan, Aged 51 years, S/o. Late Ramakrishna Pillai,
Sub Postmaster, Nariyapuram P.O., Residing at Sarath Bhavan,
Omallur P.O., Pathanamthitta-680 647.

Applicant

(By Advocate – Mr. P.C. Sebastian)

V e r s u s

1. The Supdt of Post Offices, Pathanamthitta Division,
Pathanamthitta-689 001.
2. The Chief Postmaster General, Kerala Circle,
Tiruvananthapuram-695033.
3. The Union of India, represented by its Secretary,
Ministry of Communications & I.T., Department of
Posts, New Delhi-110 001.

Respondents

(By Advocate – Mr. Thomas Mathew Nellimoottil, ACGSC)

This application having been heard on 01.07.2011, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Justice Mr. P.R. Raman, Judicial Member –

In contemplation of a disciplinary proceedings the applicant was suspended by order dated 22.10.2010 (Annexure A-1). On completion of the period of 90 days, the suspension was not reviewed in terms of Sub Rules (6) & (7) of Rule 10 of the CCS (CCA) Rules, 1965. It was only by Annexure A-7 order dated 3.3.2011 that

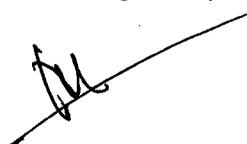


the suspension was extended from 20.1.2011 to 18.7.2011. Impugning Annexure A-7 this Original Application has been filed. It is inter alia contended that in so far as the order of suspension has not been extended in terms of rules provided under Sub Rules (6) & (7) of Rule 10 of the CCS (CCA) Rules, 1965, Annexure A-7 is illegal. It is accordingly prayed that Annexure A-7 be quashed and that the applicant be deemed to be in service after the expiry of the 90 days period namely with effect from 20.1.2011.

2. In the reply statement filed by the respondents in paragraph 5 it is stated as follows:-

“.....
On a detailed examination of the case, it is seen that the Annexure A-7 order extending the suspension was issued only on 3.3.2011 while the time limit of 90 days as envisaged in Rule (6) and (7) of Rule 10 of CCS (CCA) Rules expired on 20.1.2011. In the said circumstances, the respondents have decided to cancel the Annexure A-7 order issued by this respondent. Consequently, the applicant has been reinstated into service vide Memo No. F6/2/10-11 dated 09.06.2011 and he has been posted as Postal Assistant, Punalur HO vide Memo No. B/20/TFR dated 09.6.2011. True copies of the said Memos issued by this respondent are produced herewith and marked as Annexure R-1 and Annexure R-2 respectively.”

3. In the above circumstances, the issue raised in this OA has become purely academic since Annexure A-7 stands canceled by virtue of Annexure R-1. The only point is regarding the salary payable to the applicant after the expiry of the 90 days period i.e. from 20.1.2011. Admittedly since Annexure A-7 was passed beyond the period of 90 days, necessarily he will be entitled for the salary for the period from 20.1.2011. The same shall be calculated and paid. It is contended by the respondents that the cancellation of the suspension order is only for the aforesaid reason and that the same has been done without prejudice to their right to proceed with the disciplinary action. We are not examining the disciplinary action that is



initiated against the applicant and we are concerned only with the issue regarding the suspension. We make it clear that this order will not prejudice the right to proceed with the inquiry.

4. Original Application is allowed as above. No order as to costs.


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

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