

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 259 of 1996.

Wednesday this the 3rd day of April, 1996.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

K. Sreedharan,
Extra Departmental Packer
(removed),

Peringara P.O.,
Thiruvalla, residing at:

Sarpaparambil House,
Peringara P.O. .. Applicant

(By Advocate M/siM.R. Rajendran Nair and Associates)

Vs.

1. The Assistant Superintendent
of Post Offices,
Thiruvalla Sub Division.

2. The Chief Post Master General,
Kerala Circle,
Trivandrum.

3. The Member Personnel,
Board of Postal Services,
New Delhi. .. Respondents

(By Advocate Shri James Kurien, ACGSC)

The application having been heard on 3rd April, 1996,
the Tribunal on the same day delivered the following:

O R D E R

Applicant, an Extra Departmental Packer, was removed from service on a charge of fabricating a money order form and enabling his brother-in-law to receive three hundred rupees, without remitting that amount in

the Post Office. An enquiry was held and applicant was removed from service. He did not file an appeal but filed a "review". The Chief Postmaster General dismissed the "review" stating:

" ..The petitioner has not stated any reason as to why he could not prefer appeal I do not see any reason to intercede on his behalf and order the reinstatement of the petitioner in ED Service. The petition is dismissed accordingly."

2. A review cannot be dismissed for not filing an appeal. He filed a second "review", (which is not maintainable) before the Member Personnel, Board of Postal Services, and that was disposed of, without realising that a second review will not lie.

3. Be that as it may, the Chief Postmaster General dismissed the review for a reason, that is not valid. The impugned order A2, is quashed and the matter is remitted back to the Chief Postmaster General. The Chief Postmaster General will consider inter alia the specific contention relating to jurisdiction. The case of applicant is that a Disciplinary Authority cannot issue a charge sheet, after an 'ad hoc Disciplinary Authority' is appointed, as in this case. He has a further case that the Disciplinary Authority was also

a material witness in that case. A final decision will be taken within four months from today.

4. Application is disposed of as aforesaid.

No costs.

Wednesday this the 3rd day of April, 1996.

Chettur Sankaranair
CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

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LIST OF ANNEXURE

1. Annexure A-2: True copy of the order No. ST/E-3/94 dated 20.7.1994 issued by 2nd respondent to the applicant.

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