

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 280 of 2011

Monday, this the 4th day of April, 2011

Hon'ble Justice Mr. P.R. Raman, Judicial Member
Hon'ble Ms. K. Noorjehan, Administrative Member

B. Brijesh, S/o. Late Mr. Balakrishna Pillai, aged 34 years,
Ex-Postal Assistant and residing at Aiswarya, Padinjattinkara,
Kottarakara, Kollam, Kerala-691506.

Applicant

(By Advocate – Mr. N. Unnikrishnan)

V e r s u s

1. Union of India, Rep: by the Principal Secretary to the Government,
Ministry of Communications, Department of Posts, New Delhi-110001.
2. The Chairman, Postal Services Board, Department of Posts,
Sansad Marg, New Delhi-110001.
3. The Chief Post Master General, Department of Posts,
Kerala Circle, Thiruvananthapuram-695033.
4. The Director of Postal Services, Kerala Circle,
Thiruvananthapuram-695033.
5. The Senior Superintendent of Post Offices,
Kollam Division, Kollam-691001.

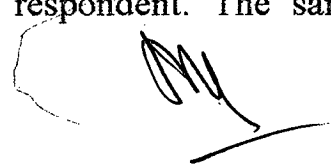
Respondents

(By Advocate – Mr. Pradeep Krishna, ACGSC)

ORDER

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

While the applicant was working as Postal Assistant, disciplinary proceedings were initiated against him and ultimately he was dismissed from service vide Annexure A-12 order dated 23.7.2007. Thereafter, he preferred an appeal however without any success. Subsequently, he preferred Annexure A-15 revision dated 25.6.2010 before the 3rd respondent. The same has not been




disposed of. In the circumstances impugning Annexure A-12 and Annexure A-14 he has preferred this Original Application. Amongst other things he has sought an alternative relief for a direction to the revisional authority to dispose of the revision of the applicant.

2. We have heard the learned counsel for the applicant Mr. N. Unnikrishanan and Mr. Rajesh representing Mr. Pradeep Krishna, ACGSC appearing for the respondents.

3. Since the applicant has invoked a statutory remedy of revision by filing Annexure A-15, he can't invoke a parallel remedy of filing this OA. In the absence of any order passed in the Review, the only relief to be granted in this OA is to give a direction to the revisional authority to hear and dispose of the revision of the applicant as expeditiously as possible at any rate within a period of two months. We order accordingly. The applicant may produce the copy of this order before the 3rd respondent for his information and compliance.

4. OA stands disposed of as above. No costs.


(K. NOORJEHAN)
ADMINISTRATIVE MEMBER


(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

“SA”

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Contempt Petition No. 57 of 2011 in
Original Application No. 280 of 2011

Monday, this the 19th day of September, 2011

CORAM:

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

B. Brijesh, S/o. Late Mr. Balakrishna Pillai,
 aged 34 years, Ex-Postal Assistant and residing at
 Aiswarya, Padinjattinkara, Kottarakara, Kollam,
 Kerala – 691506.

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Petitioner

(By Advocate – Mr. N. Unnikrishnan)

V e r s u s

Smt. Shoba Koshy, IPS, aged about 58 years,
 father's name not known, Chief Post Master General,
 Department of Posts, Kerala Circle,
 Thiruvananthapuram-695033.

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Respondent

(By Advocate – Mr. Pradeep Krishna)

This petition having been heard on 19.09.2011, the Tribunal on the same day delivered the following:

ORDER

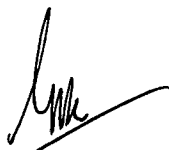
By Hon'ble Mr. Justice P.R. Raman, Judicial Member -

This is an application alleging non-compliance of the order in OA No. 280 of 2011 dated 4th April, 2011. As per the order in OA No. 280 of 2011 it was held that since the applicant [petitioner in the CP(C)] has invoked the statutory remedy of revision by filing Annexure A-15 parallel remedy cannot be invoked by filing the OA. Accordingly, we directed the revisional authority to hear and dispose of the revision as expeditiously as possible at



any rate within the prescribed period.

2. Subsequently, when this Contempt Petition was filed the respondents took the stand that they have already complied with the order by disposing of the revision petition of the petitioner. But it was found that the said revision was not disposed of after hearing the petitioner. However, since the first order was passed without hearing the petitioner it was cancelled and subsequently after hearing the petitioner a fresh order has been passed by the respondents. When this Court specifically directed to hear the petitioner while disposing of his revision petition, the respondents ought to have heard him before disposing of the revision petition. However, since the mistake has been rectified by the respondents by passing the fresh order after hearing, we close this Contempt Petition. If the petitioner is aggrieved by this order so passed, it is up to him to make out his remedies in appropriate independent proceedings.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

“SA”