

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.285/2000

Tuesday this the 28th day of March, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

K.K.Raghavan,
S/o Kelan K.K. Postaman
Head Post Office, Kottayam
residing at Karukapurathu House,
Aymanam PO.Applicant
(By advocate Mr. Vishnu S.Chempazhanthiyil)

Vs.

1. Senior Post Master,
Kottayam.
2. Senior Superintendent of Post Offices,
Kottayam Division, Kottayam-.
3. Director of Postal Services,
Central Region, Office of the Post Master
General, Kochi.16.
4. Chief Post Master General,
Kerala Circle, Thiruvananthapuram.
5. Union of India represented by the
Secretary, Ministry of Communications,
New Delhi.Respondents

(By Advocate Mr. K.Sri Hari Rao, ACGSC)

The application having been heard on 28.3.2000, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who is a Postman was placed
under suspension by order dated 10.9.97 (Annexure.AI) in
contemplation of disciplinary proceedings. Aggrieved
by that he made a representation to revoke his
suspension. He got a reply dated 21.2.2000 stating
that his suspension cannot be revoked as the
disciplinary proceedings initiated against him is
pending. Aggrieved by the prolonged suspension, the

applicant has filed this application praying that the impugned ordrs Annexure.A1 and Annexure.A7 may be set aside declaring that the applicant is entitled to have his suspension reviewed and the respondents be directed to take appropriate action immediately.

2. The learned Additional Central Govt. Standing Counsel sought time to get instructions as to what is the stage of the pending disciplinary proceedings against the applicant.

3. Today when the matter came up for hearing, the learned Additional Central Govt. Standing Counsel stated that the disciplinary proceedings against the applicant has been commenced by service of charge sheet dated 10.2.99, but the enquiry officer commenced enquiry on 31.3.99, that the applicant had made certain allegations against the enquiry officer and that the matter was considered and decision communicated in December, 1999. He further submitted that it would be possible to finalise the enquiry proceedings within three months from today, if the applicant would cooperate.

4. We have heard the learned counsel on either side. We notice that the applicant is continuing under suspension for nearly two and a half years. Though the applicant was placed under suspension on 10.9.97 a Memorandum of Charges was issued only on 10.2.99. Though the enquiry was allegedly commenced in March, 1999 it has not been completed so far. The time taken for initiating the disciplinary proceedings on a charge like one in the instant case appears to be unduly long. To place an official under suspension for an unduly long period cannot be held to be in public interest. However, as the disciplinary proceedings is in midway we dispose of this application with the following directions:

(a) The applicant shall cooperate with the enquiry officer for early completion of the proceedings.

(b) The enquiry shall be got completed within three months from today and a final order in the disciplinary proceedings issued within a month thereafter.

(c) If final orders of the disciplinary authority is not issued within four months the suspension of the applicant shall stand revoked immediately and the applicant shall be admitted to duty forthwith.

(d) No order as to costs.

Dated the 28th day of March, 2000


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

S.

List of annexures referred to:

Annexure.A1: True copy of the Memo Bo.B/PF/KKR dated 109.97 issued by the Ist respondent.

Annexure.A7: True copy of the Memo No.VIG/4-3/96 dated 21.2.2000 issued by the third respondent.

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