

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 295 of 2011

Monday, this the 11th day of April, 2011

CORAM:

Hon'ble Ms.K.Noorjehan, Administrative Member
Hon'ble Mr.AK Bhardwaj, Judicial Member

Mr.K Sasisekharan Nair, aged 63 years
S/o Late Sri G Krishnapillai, retd SSP,
RMS Trivandrum.

Residing at Krishna Vilas
Malayinkil, Pin – 695 571
Trivandrum

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Applicant

(By Advocate – Mr.M.R Hariraj)

V e r s u s

1. Union of India represented by
Secretary to the Government of India
Ministry of Communications
Department of Posts
New Delhi – 110 001

2. The Chief Postmaster General,
Kerala Circle
Thiruvananthapuram, Pin – 695 033

3. Director of Postal Services
Northern Region,
Kerala

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Respondents

(By Advocate – Ms.Deepthi Mary Varghese, ACGSC)

This application having been heard on 11.04.2011, the Tribunal delivered the following on the same day.

ORDER

By Hon'ble Ms.K Noorjehan, Administrative Member

1. The applicant has filed this Original Application seeking the following prayers:-

“ (i) To direct the respondent to disburse the gratuity and commuted valuation of pension due to the applicant forthwith and to regularize his monthly pension;

(ii) Alternatively to direct the respondent to finalize the disciplinary proceedings against the applicant within a reasonable time fixed by this Honourable Tribunal; “

2. The counsel for the respondents informed that the matter has already been referred to UPSC and further orders are awaited.

3. The applicant stood retired from service on 29.02.2008. The Enquiry Officer completed inquiry and submitted his Report on 11.05.2009. Vide Annexure A-3 memorandum, a copy of the enquiry report was given to the applicant along with the disagreement note of the Disciplinary Authority. The applicant submitted his Defence Statement Annexure A-4 on 29.03.2010. The applicant's counsel strenuously argued to point out there has been inordinate delay in finalising the disciplinary proceedings and that his retiral benefits are pending for long time. The respondents counsel submits that a reference has been made to the UPSC regarding the quantum of punishment. In accordance with the DOPT OM No.11012/21/98-Esttt(A) dated 11.11.1998 the time limit of



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three months is prescribed after receipt of the advise of the Disciplinary Authority to pass final orders. The said memo read as under:-

" Though no specific time-limit has been prescribed in the above OM (8 above) in respect of cases where consultation with CVC and UPSC is required, it is imperative that the time-limit of three months prescribed for other cases should be adhered to in such cases after receipt of the advice of the UPSC. All Ministries/Departments are, therefore, requested to dispose of disciplinary cases as quickly as possible within the time-limit indicated above. "

4. Since reference has already been made the first respondent is directed to pass orders at the earliest, however, not beyond four months from the date of receipt of this order. The Original Application is disposed of as above. No costs.

(Dated this the 11th day of April, 2011)


(AK BHARDWAJ)
JUDICIAL MEMBER


(K. NOORJEHAN)
ADMINISTRATIVE MEMBER

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