

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 330 of 1994

Tuesday this the 1st day of March, 1994

CORAM

THE Hon'ble Mr. Justice Chettur Sankaran Nair, Vice Chairman
THE Hon'ble Mr. P. V. Venkatakrishnan, Administrative Member

P. J. Jayanthan Namboodiri
Public Relation Inspector
Postal (U. S.), Tiruvalla PO.Applicant

(By Advocate Mr. C. S. Ramanathan)

Vs.

1. Union of India represented by
Secretary, Ministry of
Communications, New Delhi.
2. Chief Post Master General,
Kerala Circle, Thiruvananthapuram.
3. Director of Postal Services,
Office of the Chief Postmaster
General, Thiruvananthapuram.
4. Superintendent of Post Offices,
Tiruvalla Division,
Tiruvalla. Respondents

(By Advocate Mr. Ajith Narayanan rep. ACGSC)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN.

Applicant challenges Annexure A6 order by which he was dismissed from service on charges of misappropriation. The Chief Judicial Magistrate found applicant guilty of misappropriation and following the judgment, the impugned order was passed. Applicant would submit that he was not afforded an opportunity of personal hearing before the impugned order was passed. He was called for a hearing but he did not attend. By Annexure A5 he told the authority

that he was not in a position to leave his headquarters and that due to financial problems also he could not leave the station. However, he did not make a request for adjournment.

2. Be that as it may, applicant has an appellate remedy and the appellate authority can condone the delay by invoking the proviso to Rule 25 of the Central Civil Services (Classification, Control and Appeal) Rules. If an appeal is filed, we are confident that the appellate authority will consider the matter on merits and pass appropriate orders. If necessary the appellate authority can afford a hearing to applicant either orally or by means of a representation and consider his defences before final orders are passed.

3. With the aforesaid directions, application is disposed of. No costs.

Dated the 1st March, 1994.

A. Venkatakrishnan

P. V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

H. Sankaran Nair

CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

ks13.