

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No.341/2013

Wednesday, this the 20th day of November, 2013.

CORAM

Hon'ble Mr.Justice A.K.Basheer, Member (J)
Hon'ble Mr.K.George Joseph, Member (A)

Mohammed Muslim Khan, age 28 years
 S/o Attakkoya
 Pakkipura House, Kalpeni Island
 Union Territory of Lakshadweep
 PIN 682 557.

Applicant

(By Advocate: Mr.E.C.Bineesh)

Versus

1. The Director

Department of Science & Technology
 Administration of the Union Territory of
 Lakshadweep
 Kavaratty-682 555.

2. The Project Coordinator

CAL-VAL Head, Calibration and Validation Division
 MPSG/EPSC, Space Application Centre (ISRO)
 Ahmedabad.

Respondents

(By Advocate: Mr.S.Radhakrishnan for R1)

Mr.Sunilo Jacob Jose, SCGSC (R2)

The Original Application having been heard on 20th November, 2013, this Tribunal on the same day delivered the following order:-

ORDER

Hon'ble Mr.Justice A.K.Basheer, Member (J)

Applicant who had been working as Project Assistant under respondent No.2 was served with Annexure A6 order informing him that his services had been terminated with immediate effect on the ground that a criminal case had been registered against him for alleged act of intimidation and misbehavior towards a senior officer of Lakshadweep Administration.

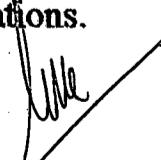
2. Admittedly, the applicant had been engaged on contractual basis on a consolidated remuneration of Rs.10,000/- per month. Therefore, if the employer

deemed it fit to terminate his services after giving him due notice, it cannot be said that Annexure A6 order of termination is vitiated in any manner. But there is a larger issue. According to the applicant, he never threatened or intimidated any senior officer as alleged. He states that he had visited the office of his superior officer to enquire about the delay in passing his salary bill. Learned counsel submits that the superior officer might have found the conduct of the applicant somewhat unbecoming of a government servant and taken offence because of some unknown reason. Any how, the attempt of the learned counsel is that there was no warrant for taking such a drastic action against the applicant in the peculiar facts and circumstances of the case. There is nothing on record to indicate that the police has filed a final report implicating the applicant pursuant to the registration of crime against him. Therefore, there is some force in the contention raised by the learned counsel for the applicant that Annexure A6 order is a little too harsh.

3. Be that as it may, in the peculiar facts and circumstances of the case, we do not find any reason to interfere with Annexure A6 order. However, we are satisfied that the applicant, who is a youngster, deserves another opportunity to mend his ways, if at all he had committed the act of indiscretion as alleged. Therefore, the applicant is given an opportunity to submit a fresh representation before respondent No.1 highlighting his grievances. This shall be done within three weeks from today. Respondent No.1 shall consider the said representation with utmost sympathy and compassion and take an appropriate decision thereon as expeditiously as possible at any rate within six weeks from the date of receipt of the said representation.

4. Respondent No.1 shall hear the applicant in person so that he will get an opportunity to explain as to what had transpired on the ill-fated day.

5. Original Application is disposed of with the above directions and observations.


(K. George Joseph)
 Administrative Member


(Justice A.K. Basheer)
 Judicial Member