

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No. 376 of 1994

Friday this the 13th day of January, 1995.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

C.Mani, S/o Sekharan, aged 31
Panagamkunnathu, Adivaram PO,
EDDA, Adivaram (Removed from Service). ... Applicant

(By Advocate Mr. M.R.Rajendran Nair).

Vs.

1. The Senior Superintendent of Post
Offices, Calicut.
2. Assistant Superintendent of Post
Offices, Calicut South Division,
Calicut.
3. Union of India, represented by Secretary
to Government, Department of Posts,
New Delhi.Respondents

(By Advocate Mr. KS Bahuleyan/TPM Ibrahim Khan, SCGSC)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

An Extra Departmental Delivery Agent who was removed from service pursuant to an ex-parte enquiry is before us, challenging the order of removal. The charge against applicant was that he threw some of the letters entrusted with him in a garbage bin. Applicant neither found himself a "defence assistant" nor did he participate in the enquiry, perhaps due to his ignorance (which cannot be justified) or perhaps due to lack of proper advice. Though applicant is largely to blame for what has happened, we think that principles of natural justice require a

fullfledged enquiry. Though there was formal objection to this course by Standing Counsel, he did not seriously dispute the fact that the principles of natural justice have not been followed.

2. In the circumstances we quash Annexures A1 and A2 and direct the disciplinary authority to hold a fresh enquiry.

3. Applicant shall specify in writing within three weeks from today the documents which he desires to see. The disciplinary authority shall furnish copies of such documents of which copies can be furnished, and applicant will be allowed inspection of other relevant documents. It will be the responsibility of applicant to find a defence assistant for him and he will do this within three weeks from today. Examination of witnesses will commence within six weeks from today and the enquiry will be completed within four months from today. No adjournment will be sought except on very compelling reasons and even so, no adjournment beyond seven days will be granted.

4. Original Application is allowed as aforesaid. We have not expressed our views on any of the contentions raised in the Original Application. No costs.

Dated 13th day of January, 1995.



S.P. BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

List of Annexures

1. Annexure I: True copy of the order No.INQ/1/92
dated 9.6.93 issued by 2nd respondent
2. Annexure-II: True copy of the order No.B79/4/93
dated 11.1.94 issued by 1st respondent
to the applicant

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