

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.377/99

Tuesday this the 6th day of April, 1999.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. B.N. BAHDUR, ADMINISTRATIVE MEMBER

C.K.Kochukrishnan,
Extra Departmental Delivery Agent,
Narakathani PO,
Tiruvalla.

...Applicant

(By Advocate Mr. P.C. Sebastian)

Vs.

1. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.

2. The Superintendent of Post Offices,
Tiruvalla Division,
Tiruvalla.

3. The Assistant Superintendent of Post Offices,
Tiruvalla Sub Division,
Tiruvalla.

...Respondents

(By Advocate Mr. P. Vijayakumar, ACGSC)

The application having been heard on 6.4.1999, the Tribunal
on the same day delivered the following:

O R D E R

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

The third respondent by his order dated 21.11.97 imposed upon the applicant, an Extra Departmental Delivery Agent, Narakathani Branch Post Office, a penalty of debarring from promotion for a period of three years with effect from the date of issue of the order. Aggrieved by that the applicant filed an appeal to the second respondent, which the second respondent (appellate authority) disposed of by order dated 15.6.98 reducing the penalty of debarring from promotion for a period of two

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years. Yet aggrieved by the appellate order, the applicant filed a review which was disposed of by the Ist respondent by order dated 28.12.98 setting aside the penalty of debarring from promotion on the ground that such a penalty is not prescribed and remitted the matter to the adhoc disciplinary authority for redoing the same from the stage of receipt of the enquiry report. Pursuant to the above order the third respondent issued A8 notice calling upon the applicant to submit his explanation to the enquiry report and the finding that he is guilty of the misconduct informing him further that if no reply is received within fifteen days appropriate decision would be taken.

2. The applicant has filed this application impugning A7 and A8 orders. It has been alleged in the application that though the applicant was permitted to appear in the examination for selection and appointment to the post of Postman, the result thereof is being withheld, that another examination is shortly to be held and that the omission on the part of the respondents to declare the result of the applicant would cause irreparable injury to the applicant. The applicant has also alleged that the direction contained in A7 order to hold a de novo enquiry is opposed to the statutory rules.

3. When the application came up for hearing, the counsel on either side agree that the application may be disposed of directing the applicant to submit an explanation to the show cause notice (A8) within a week from today and directing the third respondent to finalise the proceedings by passing a final order within a period of

one month thereafter and with a further direction to the second respondent to declare the result of the applicant of the examination for appointment to the post of Postman which was held on 12.10.97.

4. In the result in the light of submission of the learned counsel on either side, the application is disposed of directing the applicant to file an explanation to A8 notice to the third respondent within one week from today and with a direction to the third respondent to pass final orders in the disciplinary proceedings within a period of one month from the date of receipt of the explanation. We also direct the respondents to publish the result of the applicant in the Postman Examination held on 12.10.97 within a period of two weeks from today. There is no order as to costs.

Dated the 6th day of April, 1999.

B.N. Bahadur

B.N. BAHADUR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in the Order:

Annexure.A7: True photo copy of Order No.ST/32-2/10/98 dated 28.12.98 issued by the 1st respondent.

Annexure.A8: True photo copy of Letter No.DA/1/94-95 dated 28.1.99 issued by the third respondent to the applicant.

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