

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 403/2001

Wednesday this the 23rd day of May, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

N.Muthukoya S/o Abdul Kadar Koya Haji,
54 years, UD Clerk, LPWD Kochi
residing at Naicochadam House, Amini Island,
Union Territory of Lakshadweep,
now residing at B.14 Lakshadweep Qr.
Panampilly Nagar, Kochi.36.

...Applicant

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

V.

1. Union of India, represented by
the Secretary to Government of India,
Ministry of Home affairs,
New Delhi.

2. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.

...Respondents

(By Advocate Mr.P.R.Ramachandra Menon (rep) for R.2
Mr.Govindh K Bharathan for R.1

The application having been heard on 23.5.2001, the
Tribunal on the same day delivered the following:

O R D E R

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

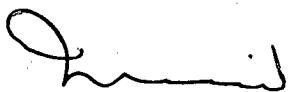
This application is directed against Annexure.A4
show cause notice dated 14.3.2001 issued by the second
respondent, the disciplinary authority, proposing to
disagree with the finding of the enquiry authority that
no charge has been established against the applicant as
also the order dated 17.4.01 (A6) of the second
respondent imposing on the applicant a penalty of
compulsory retirement. Various grounds have been raised
in the application challenging the impugned orders.
However, it is seen that the applicant has not availed

contd....

of the statutory remedy provided for in the service rules before approaching the Tribunal. Taking note of this difficulty, the learned counsel of the applicant submits that the applicant may be permitted to file an appeal to the Ist respondent within a short time and that the application may be disposed of directing the Ist respondent to consider the appeal and pass a speaking order within a reasonable time. Shri P.R.Ramachandra Menon appeared for Respondent No.2 and Shri Govindh K Bharathan, SCGSC appeared for Respondent No.1. Counsel appearing for the respondents have no objection in disposing of this application at this stage in the manner suggested by the learned counsel for the applicant.

2. In the result, in the light of the facts and circumstances of the case and in the interests of justice, the application is disposed of permitting the applicant to file an appeal before the Ist respondent against the A6 order within three weeks from today and directing the Ist respondent that if such an appeal is filed, the same shall be considered and disposed of with a speaking order within a period of three months from the date of receipt of the appeal. There is no order as to costs.

Dated the 23rd day of May, 2001



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

List of annexures referred to:

Annexure.A4: A true copy of the Office Memorandum F.No.12/113/84-Services dated 14.3.2000 issued by the 2nd respondent.

Annexure.A6: True copy of the Order No.12/113/84-Services dated 17.4.2001 issued by the 2nd respondent.

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