

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.42/98

Firday this the 9th day of January, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

N.V.Madhavan,  
Principal Secretary,  
to Government, Transport and Culture  
(under suspension), TC:25/3211,  
P.O.: Vanchiyoor, Trivandrum-695035.

...Applicant

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

Vs.

1. State of Kerala, represented by the  
Chief Secretary, General Administration  
(Special A) Department,  
Secretariat, Trivandrum.

2. Union of India, represented by  
Secretary to Government of India,  
Ministry of Home Affairs,  
New Delhi.

3. Shri C.P.Nair, Chief Secretary,  
Secretariat, Trivandrum.

...Respondents

(By Advocate Mr. C.T.Ravikumar, Govt.Pleader for R.1  
Mr. T.P.M. Ibrahim Khan, SCGSC for R.2.

The application having been heard on 9.1.1998, the Tribunal  
on the same day delivered the following:

O R D E R

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

In this application filed under Section 19 of the  
Administrative Tribunals Act, the applicant who is a member  
of the Indian Administrative Service, Kerala Cadre has  
impugned the order dated 17.11.97 (A.1) by which he was  
placed under suspension. The applicant was placed under  
suspension by the first respondent by the impugned order  
under Rule 3(3) of all India Services (Discipline and

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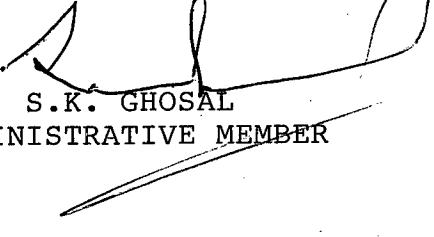
stating that Appeal) Rules, 1969.,/ as a vigilance case No.5/97 was registered against him under Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act, 1988 and on a consideration of the gravity of the criminal charge and the moral turpitude involved in the case under investigation, the Government had in public interest to place him under suspension.

2. The applicant has alleged that the impugned order of suspension is motivated by malafides and has impleaded the Chief Secretary Shri C.P.Nair by name as third respondent in the O.A. The applicant seeks to have the impugned order quashed on the ground of malafides among other grounds. However, the applicant has also prayed for an alternative relief to direct the second respondent to dispose of the appeal submitted by him on 10.12.97 (A2).

3. When the application came up for hearing Shri C.T.Ravikumar, Government Pleader appeared on behalf of the first respondent and Shri T.P.M.Ibrahim Khan, Sr.Central Government Standing Counsel for the 2nd respondent. The counsel for respondents 1 &2 and the counsel for the applicant agree that the application may be disposed of at this stage with a direction to the second respondent to consider the appeal submitted by the applicant on 10.12.97 (A2) in accordance with law and to pass a speaking order thereon within a time to be stipulated by this Tribunal.

4. In view of the statement by the learned counsel and in view of the fact that the alternative prayer of the applicant is for a direction to the second respondent to dispose of the appeal, we dispose of this application with a direction to the second respondent to consider and dispose of the appeal submitted by the applicant to the second respondent on 10.12.97 (A2) as expeditiously as possible, at any rate within a period of six weeks from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 9th day of January, 1998

  
S.K. GHOSAL  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A1: Order No.G.O.(Rt.) No.9274/97/GAD dated 17.11.97 issued by the 1st respondent.
2. Annexure A2: Appeal dated 10.12.1997 submitted by the applicant to the 2nd respondent.

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