

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 42 of 2003

Thursday, this the 23rd day of January, 2003

CORAM

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. K.C. Balakrishnan Nair,
Inspector of Police,
Chetlat, Lakshadweep.Applicant

[By Advocate Mr. K.V. Raju]

Versus

1. The Superintendent of Police,
Kavarathi, Lakshadweep.
2. Enquiry Authority,
Director of Education,
Kavarathi, Lakshadweep.
3. Collector-cum-Development Commissioner,
Disciplinary Authority,
Administration of the Union Territory
of Lakshadweep, Kavarathi.
4. Union of India, represented by the
Secretary, Ministry of Home Affairs,
New Delhi.Respondents

[By Advocate Mr. S. Radhakrishnan]

The application having been heard on 23-1-2003, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

This Original Application has been filed by one Shri K.C. Balakrishnan Nair, Inspector of Police at Chetlat, Lakshadweep. His grievance is that by Annexure A3 memorandum dated 16-11-2000 an article of charge was levelled against him on account of the alleged misuse of his official position and preventing his successor from using the official facility in as

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much as he had on transfer from the island of Minicoy to Chetlat as Inspector of Police requested the telephone authorities to keep his residential telephone allotted by the Administration under safe custody without having been authorised to do so. Annexure A6 enquiry report is challenged, since it finds the guilty of misconduct involved in Article of Charge-I proved. The applicant is substantially aggrieved by Annexure A7 order, whereby the disciplinary authority after considering the entire facts took a lenient view and levied the minor punishment of 'Censure' on account of the alleged misconduct.

2. The applicant does not appear to have taken up the matter further with the authorities and has rushed to this Tribunal for getting the charge sheet Annexure A3, enquiry report Annexure A6 and the order Annexure A7 quashed and to get the order of 'Censure' removed from records.

3. When the matter came up for admission, Shri K.V. Raju appeared for the applicant and Shri S. Radhakrishnan took notice on behalf of the respondents. On going through the records and having considered the relevant facts, we are of the view that this Original Application is not maintainable, since the applicant does not appear to have exhausted his administrative remedies by filing an appeal against the imposition of the minor punishment of 'Censure'. We, therefore, refuse to entertain the Original Application, since it is premature.

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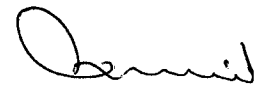
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4. In the light of what is stated above, the Original Application is dismissed leaving the applicant free to take up the matter with the appropriate administrative authorities. No costs.

Thursday, this the 23rd day of January, 2003



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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