

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION NO. 180/00975/2017

Tuesday, this the 5th day of June, 2018

CORAM

HON'BLE MR. U. SARATHCHANDRAN, JUDICIAL MEMBER
HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

Dr.Sajith Sukumaran
Aged 44, S/o.Sukumaran.N
Residing at TC:1/1520, First Floor, NRA:22
Navarangam Lane, Medical College P.O
Thiruvananthapuram-695 011 (Additional Professor in the Department of Neurology
Sree Chitra Tirunal Institute for Medical Sciences and Technology
Thiruvananthapuram-695 011 ... **Applicant**

[By Advocate Mr.P.G.Jayashankar]

V.

1. Sree Chitra Tirunal Institute for Medical Sciences and Technology
Thiruvananthapuram-695 011, represented by its Director
2. Dr.Asha Kishore, Director, Sree Chitra Tirunal Institute for Medical
Sciences and Technology, Thiruvananthapuram – 695 011
3. Dr.K.R.Thankappan, Emeritus Professor
AMCHSS, Sree Chitra Tirunal Institute for Medical Sciences and Technology
Thiruvananthapuram – 695 011
4. Dr.Kalliyana Krishnan, Dean, Sree Chitra Tirunal Institute for Medical
Sciences and Technology, Thiruvananthapuram – 695 011
(R4 set ex-parte vide order dated 15.5.2018) ... **Respondents**

(By Advocate Mr.T.R.Ravi)

This application having been finally heard on 5.6.2018, the Tribunal on the same day delivered the following in the open court.

ORDER (ORAL)

Mr. U. Sarathchandran, Judicial Member :

When this matter was taken up today, we have heard learned counsel for the applicant and Mr. T.R.Ravi, learned Standing Counsel for the respondent Institute. It was brought to our attention by learned counsel for the applicant that since there was no interim order staying the disciplinary proceedings initiated against the applicant the respondent Institution had gone ahead with the disciplinary proceedings and the disciplinary authority has passed an order

of punishment and the same has been communicated to the applicant. In the circumstance, we feel that O.A. can be closed especially when the applicant has participated in the inquiry proceedings. While closing the O.A. we permit the applicant to resort to further legal proceedings, on the result of the inquiry, if so advised, and also to raise the pleadings in this O.A. in such legal proceedings. Ordered accordingly.

2. O.A. is disposed of on the above terms. No order as to costs.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(U.SARATHCHANDRAN)
JUDICIAL MEMBER

sj*/

List of Annexures

- Annexure A-1 - True copy of the email communication dated 9.12.2016 between the applicant and the 4th respondent

- Annexure A-2 - True copy of the email dated 9.12.2016 by the 2nd respondent to the applicant

- Annexure A-3 - True copy of the letter dated 13.7.2017 issued by the 2nd respondent

- Annexure A-4 - True copy of the representation preferred by the applicant before the 4th respondent

- Annexure A-5 - True copy of the email dated 1.3.2017 by the 4th respondent

- Annexure A-6 - True copy of the complaint filed by the 4th respondent before the 2nd respondent

- Annexure A-7 - True copy of letter dated 7.3.2017 issued by the 2nd respondent

- Annexure A-8 - True copy of the reply dated 18.3.2017 filed by the applicant

- Annexure A-9 - True copy of the Chapter VII of the SPCR dealing with disciplinary proceedings

- Annexure A-10 - True copy of the memorandum dated 10.4.2017 along with its enclosures issued a memo by the 2nd respondent

- Annexure A-11 - True copy of the objections filed by the applicant before the 2nd respondent

- Annexure A-12 - True copy of the order dated 16.5.2017 by the inquiry officer to conduct the inquiry

- Annexure A-13 - True copy of the letter dated 3.10.2017 issued by the inquiry officer

- Annexure A-14 - True copy of the letter dated 20.10.2017 issued by the applicant to the 2nd respondent

- Annexure A-15 - True copy of the letter dated 24.10.2017, the 2nd respondent replied to Annexure A-14 stating that the request for change of inquiry officer accepted.

- Annexure A-16 - True copy of the order dated 31.10.2017 issued by the 3rd respondent

- Annexure A-17 - True copy of the letter dated 18.11.2017

Annexure A-18 - True copy of letter dated 21.11.2017 by the applicant to oppose the senior most officers in the institution

Annexure A-19 - True copy of the letter dated 22.11.2017 issued by the 2nd respondent

Annexure A-20 - True copy of the email dated 24.11.2017 by the applicant

Annexure A-21 - True copy of the representation dated 4.2.2016 filed by the Faculty Association to the applicant

Annexure A-22 - True copy of the representation dated 9.1.2017 filed by the Faculty Association to the applicant

Annexure A-23 - True copy of the representation dated 13.3.2017 filed by the Faculty Association to the applicant.

.