

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

Original Application No.180/01004/2018

Thursday, this the 11th day of April, 2019

C O R A M :

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

Dr.Jacob Thomas, IPS,
in the rank of Director General of Police.
Residing at Thejus, Mannamoola,
Peroorkada P.O., Trivandrum – 695 005.Applicant

(By Advocate – Mr.C.Unnikrishnan)

v e r s u s

1. Union of India represented by the Secretary,
Department of Home Affairs, South Block,
New Delhi – 110 004.
2. The Secretary,
Department of Personnel and Training,
North Block, Central Secretariat,
New Delhi, Delhi – 110 001.
3. State of Kerala represented by the Chief Secretary,
Government Secretariat, Trivandrum – 01.Respondents

**(By Advocates Mr.T.C.Krishna, Sr.PCGC [R1-2]
& Mr.Antony Mukkath along with Mr.M.Rajeev, GP [R-3])**

This application having been heard on 11th April 2019, the Tribunal on the same delivered the following :

O R D E R (ORAL)

Per : Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

Heard Shri.C.Unnikrishnan, learned counsel for the applicant, Shri.T.C.Krishna, learned Sr.PCGC for the Respondent Nos.1-2 and Shri.Antony Mukkath, learned GP for Respondent No.3.

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2. In this O.A the applicant is challenging the disciplinary action initiated against him through Articles of Charges at Annexure A-3 dated 18.1.2018. He also challenges Annexure A-3, Annexure A-6 and Annexure A-9, the last of which challenges his continued suspension. It is seen that the suspension period as per Annexure A-9 was upto 20.12.2018 and from this perspective, the relief sought has become infructuous.

3. With regard to the main charges which are raised through Articles of Charges, we understand from the records and also the pleadings made by the learned counsel for the State Government that an inquiry has been ordered through proceedings dated 14.6.2018 which is still pending.

4. We are of the view that it will be in the interest of all to ensure that the inquiry proceedings are completed at the earliest without further delay. After considering the pleadings made before us and records on offer, we direct that the inquiry proceedings stated to be in progress are to be completed within 90 days from today. The applicant shall fully cooperate with the inquiry. He shall also be granted all reasonable opportunity to defend himself and shall be allowed a personal hearing, if he proposes to utilize the opportunity.

5. The O.A is disposed of as above. No costs.

(Dated this the 11th day of April 2019)

(ASHISH KALIA)
JUDICIAL MEMBER
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(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

List of Annexures in O.A.No.180/01004/2018

- 1. Annexure A-1** – True copy of the Cabinet Secretary numbered D.O.No.1101710412010-AIS-III dated 3.3.2010.
- 2. Annexure A-2** – True copy of the Government Order numbered as G.O.(Rt) No.8044/17/GAD dated 19.12.2017.
- 3. Annexure A-3** – True copy of the letter No.2050993/Spl.C3/2017/GAD dated 18.1.2018 issued by the Chief Secretary to Government.
- 4. Annexure A-4** – True copy of the explanation to the Article of Charges dated 30.1.2018.
- 5. Annexure A-5** – True copy of the additional submission to the explanation given by the applicant dated 20.3.2018.
- 6. Annexure A-6** – True copy of the letter No.1003563/Spl.C3/2016/GAD dated 20.3.2018 along with its translation.
- 7. Annexure A-7** – True copy of the explanation filed by the applicant dated 21.4.2018.
- 8. Annexure A-8** – True copy of the GO (Rt) No.3911/2018/GAD dated 14.6.2018.
- 9. Annexure A-9** – True copy of the Government Order No.GO(Rt) No.6216/2018/GAD dated 22.9.2018.
- 10. Annexure A-10** – True copy of the complaint submitted to the Chief Minister of Kerala dated 9.4.2018.
- 11. Annexure A-11** – True copy of the complaint submitted to the Principal Secretary of Prime Minister's Office dated 19.4.2018.
- 12. Annexure A-12** – True copy of the complaint submitted to the Appointing Authority, Government of India dated 8.5.2018.
- 13. Annexure A-13** – True copy of the Office Memorandum from the Under Secretary to the Government of India dated 15.5.2018.
- 14. Annexure A-14** – True copy of the complaint submitted to the Personal Secretary to the Hon'ble Prime Minister of India dated 8.8.2018.
- 15. Annexure A-15** – True copy of the journal publication 'Corruption as an obstacle to development in developing countries: a review of literature' authored by Olatunde Julius Otusanya in Journal of Money Laundering Control, Vol.14 Issue 4 published in 2011.
- 16. Annexure A-16** – True copy of the report of the Transparency International as published in Forbes News Article dated 7.3.2018.

17. Annexure A-17 – True copy of the details of the survey as published in New Indian Express Article dated 11th October 2018.

18. Annexure A-18 – True copy of the report as published in BBC News Article titled as “India's Bureaucracy is the Most Stifling in the World” dated 3rd June 2010.

19. Annexure A-19 – True copy of the relevant pages of the Journal publication 'Toward a Theory of Second Order Corruption' authored by Stelios Zyglidopoulos in Journal of Management Inquiry in 2016, Vol.25(1) pages 3-10.

20. Annexure A-20 – True copy of the relevant pages of the 179th report of the Law Commission of India on Public Interest Disclosure Bill, 2001 published in 2001.

21. Annexure A-21 – True copy of the article authored by Sri.Alladi Kuppuswami dated Aug. 28 – Sep. 10, 1999 published in Frontline Magazine Volume 16 – Issue 18.
