

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00033/2019

Dated Monday the 4th day of February Two Thousand Nineteen

**CORAM : HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

Jearaj.M,
No. 3, Old Market Street,
Mudaliarpet,
Puducherry.Applicant

By Advocate M/s. M. S. Soundararajan

Vs

The Executive Engineer,
Urbam O & M,
Office of Executive Engineer Urban Office,
Electricity Department,
Puducherry.Respondent

ORAL ORDER**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant has filed this OA seeking the following relief :

"Call for the records pertaining to the impugned show cause notice in proceedings No. 1054/ED/EE-UO&M/Estt/U5/2018 date 11.09.2018 and set aside the same and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice."

2. The grievance of the applicant is that although he was convicted of criminal charge u/s 248 (2) of Cr. P. C. and had been awarded a penalty of simple imprisonment for one year for an offence u/s 417 of IPC and simple imprisonment for two years u/s 420 of IPC and a fine of Rs. 5000/- in default of which there would be an additional simple imprisonment for six months by the Court of Chief Judicial Magistrate, Puducherry, the impugned Annexure A7 show cause notice dt. 11.09.2018 had been issued by the Executive Engineer who was not competent to terminate the applicant from service as his appointing authority was the Superintending Engineer (Electricity Department) as would be evident from Annexure A1 appointment order dt. 25.05.2011.

3. Although no final order has been passed and Annexure A7 show cause notice is a step towards further action in accordance with law, we do notice that it has been stated in the show cause notice that "...the undersigned has provisionally come to the conclusion that Thiru M. Jearaj, Helper is not a fit person to be retained in service/the gravity of the charge is such as to warrant the imposition of major penalty specified in Clause (ix) of Rule 11 of the CCS (CCA) Rules, 1965.....". Under such circumstances, we are of the view that the

respondents could be directed to take a relook at the show cause notice to ascertain the facts, with or without a reply from the applicant to Annexure A7 notice. In the event of the signatory of the show cause notice not being the competent authority, it is for the respondents to withdraw the same and issue it under the signature of the competent authority and proceed thereafter in accordance with law.

4. OA is disposed of with the above observations.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

04.02.2019

SKSI