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**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN**

**&**

**THE HONOURABLE MR. JUSTICE BASANT BALAJI**

**MONDAY, THE 1<sup>ST</sup> DAY OF JUNE 2026 / 11TH JYAISHTA, 1948**

**OP (CAT) NO. 121 OF 2025**

**AGAINST THE JUDGMENT DATED 08.04.2025 IN OA NO.885 OF 2019 OF  
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH**

**PETITIONER/O.A.APPLICANT:**

**E.K. NARAYANAN, AGED 70 YEARS, S/O THAMBAN,  
DEPUTY POSTMASTER (RETD.), THALASSERY,  
RESIDING AT GULMOHAR, NEERVELI P.O.,  
KANNUR, PIN - 670701**

**BY ADVS.**

**SHRI.K.V.PAVITHRAN**

**SHRI.JAYANANDAN MADAYI PUTHIYAVEETIL**

**SHRI.ADARSH KURIAN**

**RESPONDENTS/O.A.RESPONDENTS:**

- 1 UNION OF INDIA, REPRESENTED BY SECRETARY TO  
GOVERNMENT, DEPARTMENT OF POSTS, MINISTRY OF  
COMMUNICATIONS, GOVERNMENT OF INDIA, NEW DELHI,  
PIN - 110001**
- 2 THE CHIEF POSTMASTER, GENERAL, KERALA CIRCLE,  
TRIVANDRUM, PIN - 695033**
- 3 THE POSTMASTER GENERAL, NORTHERN REGION,  
DEPARTMENT OF POSTS, CALICUT, PIN - 673011**
- 4 THE SUPERINTENDENT OF POST OFFICES, THALASSERY  
POSTAL DIVISION, THALASSERY P.O., PIN - 670102**



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**5 UNION PUBLIC SERVICE COMMISSION, REPRESENTED BY  
ITS SECRETARY, DHOLPUR HOUSE, SHAHJAHAN ROAD,  
NEW DELHI, PIN - 110069**

**BY ADVS**

**SMT. O.M.SHALINA - DSGI**

**SC - SRI. THOMAS MATHEW NELLIMOOTTIL**

**THIS OP (CAT) HAVING COME UP FOR ADMISSION ON  
01.06.2026, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**



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**CR****JUDGMENT**Devan Ramachandran, J.

The learned Central Administrative Tribunal, Ernakulam Bench (hereinafter referred to as ‘the Tribunal’ for short), dismissed the Original Application filed by the petitioner, wherein, he impugned an order of punishment imposed against him – producing it as Annexure A1 - holding that no cause for interference has been attracted.

2. Sri.K.V.Pavithran – learned counsel for the petitioner, argued that, even assuming that all the charges against his client are taken to be true, the punishment imposed – namely ‘withholding 15% of his monthly pension for a period of one year’ – is unjust, unconscionable and therefore, unconstitutional. He, explained that the allegation against his client was that he had used unfair and intemperate language in some of his representations made against his superior officers; but that his specific defence was that the Disciplinary Authority had personal vendetta against him. He showed us from the report of the enquiry, produced as Annexure A8, that the finding of the



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Enquiry Officer was that his client '*had used language which was not courteous*' (sic) and that, read in the context it was issued, would amount to grave misconduct. He contended that his client had not published his representations or made it known to anyone else, but only to his superior officers and that his intent was therefore, only to bring to their notice what was really happening in the department. He prayed that, therefore, this Appeal be allowed and the impugned order of the learned Tribunal be set aside.

3. Sri.T.V.Vinu – learned Central Government Counsel, however, countered the afore submissions showing us that the language used by the petitioner was of such nature that it was designed to attack the integrity of the entire system and show every officer in bad light. He impressed upon us that the allegations made against the superior officers by the petitioner were of so grave nature, that it defies any reasoning and is in the nature of omnibus imputations, calculated to insinuate and cause disrepute. He then pointed that, in Annexure A8 Enquiry Report, all these aspects have been properly considered, which then led to the Disciplinary Authority to issue appropriate orders.



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4. Sri.T.V.Vinu, thereafter, argued that, as mandated by the Central Civil Services (Classification, Control, and Appeal) Rules of 1965, [CCS (CCA) Rules), Annexure A1 order has been issued ‘by order and the name of the President’ by the competent Authority of the Ministry of Communication; and that every issue had been incisively considered, while imposing the punishment. He insisted that when even the petitioner does not have a case that enquiry proceedings were not done as per the prescribed procedure and when he admits to the words he has used, the minimum punishment that could have been imposed against him is as reflected in Annexure A1. He added that this punishment was on the basis of an advice given by the Union Public Service Commission (UPSC), and also after the Minister of State (Communication) – on behalf of the Honourable President, had opined that the proven charges require a suitable cut in pension under the provisions of Rule 9 of the CCS (Pension) Rules. He prayed that, therefore, this Original Petition be dismissed and the order of the learned Tribunal be sustained.

5. Before we proceed further to look into the merits of the



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matter, we must remind ourselves that in matters relating disciplinary action, this Court does not sit as an Appellate Forum, but only to verify whether the procedure has been properly followed and abided by. It is well settled in Administrative Law that, it is not the decision which is normally subjected to judicial scrutiny, but only the decision making process.

6. The petitioner has a case that the procedure followed for enquiry is not as per the statutory scheme. However, as limpid from the various materials available before us, we cannot find this to be justified or substantiated; but on the contrary, it poses little doubt that it has been implicitly followed.

7. However, the aspect which troubles our mind is the severity of the punishment imposed, namely the withholding of 15% of pension for a period of one year.

8. The allegation against the petitioner, taken to be fully proved, is that he used uncourteous and intemperate language in representations made against his superior officers. Many of the remarks he has made are available in the orders on record, particularly



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Annexure A8 Enquiry Report. This Court does not propose to stand by the petitioner, or justify his conduct; but the question that arises is whether the punishment imposed is just and proportionate.

9. It is relevant, even going by the admitted facts, that the petitioner was proceeded against departmentally a day or two before his retirement from service. It is also ineluctable from the records that he had been proceeded against earlier and found guilty, leading to a punishment of censure or warning. Perhaps, this has created a sense of disenchantment in him, which made him make representations containing the phrases and the words he has used.

10. Even when we are not, in any manner, finding justification in the conduct of the petitioner; we are certainly of the view that the punishment imposed against him, even on the underpinning of the proven facts, requires to be reconsidered. We are persuaded as afore because, once the employee had retired from service and for an incident alleged against him a day or two before such, punishment of 15% reduction from his pension for a period of one year surely would impose a large pecuniary constraint and detriment on him. This is not



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to say that if the proven charges are grave enough, such punishment cannot be imposed, especially within the conspectus of Rule 9 of the CCS (Pension) Rules. We are also aware that Annexure A1 order is backed by the opinion of UPSC, as also that of the Minister of State (Communication) on behalf of His Excellency, the President of India.

11. However, since we are drawn to a *prima facie* impression that the punishment is slightly disproportionate to the proven charges, we are of the opinion that we will be justified in directing the competent Authority to reconsider that aspect, leading to an appropriate fresh order.

In such perspective, we allow this Original Petition and set aside the judgment of the learned Tribunal as also Annexure A1 order, however, only to the extent of the punishment imposed by it; with a consequential direction to the competent Authority of the Government of India to reconsider the quantum of punishment ordered against the petitioner, adverting to all relevant facts.

The afore shall be done as expeditiously as is possible, but not later than six months from the date of receipt of a copy of this



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judgment, after affording necessary opportunities as per law to the petitioner.

Sd/-

**DEVAN RAMACHANDRAN**

**JUDGE**

Sd/-

**BASANT BALAJI**

**JUDGE**

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APPENDIX OF OP (CAT) NO. 121 OF 2025

## PETITIONER ANNEXURES

- Annexure A1 A TRUE COPY OF THE ORDER NO. C-14016/67/2016-BP DATED 05.12.2018 ISSUED ON BEHALF OF THE 1ST RESPONDENT A TRUE COPY OF THE ORDER NO. C-14016/67/2016-BP DATED 05.12.2018 ISSUED ON BEHALF OF THE 1ST RESPONDENT
- Annexure A4 A TRUE COPY OF THE CHARGE SHEET ISSUED AS PER MEMO NO. B1/2/MISC DATED 29.10.2014 BY THE 3RD RESPONDENT
- Annexure A8 A TRUE COPY OF THE INQUIRY REPORT DATED 28.12.2015 ISSUED BY THE INQUIRING AUTHORITY
- Annexure A2 A TRUE COPY OF THE SHOW CAUSE NOTICE NO. F1/FM/13 DATED 04.09.2013 ISSUED BY THE 3RD RESPONDENT TO THE APPLICANT
- Annexure A3 A TRUE COPY OF THE PROMOTION ORDER ISSUED AS PER MEMO NO. ST/3-3/2013 DATED 14.10.2014 ISSUED BY THE 2ND RESPONDENT
- Annexure A5 A TRUE COPY OF THE ORDER IN R.A. NO. 3/2015 DATED 30.07.2015 OF THIS HON'BLE TRIBUNAL
- Annexure A6 A TRUE COPY OF THE ORDER DATED 05.01.2016 IN O.A. NO. 1073/2014 BY THIS HON'BLE TRIBUNAL
- Annexure A7 A TRUE COPY OF THE ORDER DATED 07.11.2018 IN O.A. NO. 693/2018 BY THIS HON'BLE TRIBUNAL
- Annexure A9 A TRUE COPY OF THE REPRESENTATION DATED 29.01.2016 SUBMITTED BY THE APPLICANT BEFORE THE 3RD RESPONDENT
- Annexure A10 A TRUE COPY OF THE ADVICE F.NO. 3/414/2017-S.I 12 DATED 27.04.2018 FROM THE UPSC TO THE SECRETARY, DEPARTMENT OF POSTS
- Annexure A11 A TRUE COPY OF THE D.G. P&T MEMO NO. 6/64/64-DISC DATED 27.01.1965 ISSUED BY THE 1ST RESPONDENT
- Annexure A12 A TRUE COPY OF THE REPRESENTATION DATED



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23.05.2018 SUBMITTED BY THE APPLICANT TO THE 1ST RESPONDENT

Annexure A13 A TRUE COPY OF THE ORDER NO. 007/VGL/052 DATED 27.09.2007 ISSUED BY THE CVC

Annexure A14 A TRUE COPY OF THE MEMO NO. C-14016/09/2019-VP 67 DATED 24.04.2019 ISSUED BY THE 1ST RESPONDENT A TRUE COPY OF THE MEMO NO. C-14016/09/2019-VP 67 DATED 24.04.2019 ISSUED BY THE 1ST RESPONDENT

Annexure R1 A TRUE COPY OF THE LETTER NO. 3597/PEN-2/C-586/11-12 DATED 7.11.2016

Annexure R2 TRUE COPY OF PETITIONERS PPO DT. 26/04/2019

Exhibit P1 A TRUE COPY OF THE OA 885/2019 FILED BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL DT. 03/12/2019

Exhibit P2 A TRUE COPY OF THE REPLY STATEMENT FILED BY RESPONDENT 1 TO 4 DATED. 24/12/2020 IN OA 885/2019

Exhibit P3 A TRUE COPY OF THE REJOINDER FILED BY PETITIONER DT. 07/11/2022 IN OA 885/2019

Exhibit P4 A TRUE COPY OF THE REPLY FILED RESPONDENTS 1 TO 4 DT.03/01/2023 TO THE REJOINDER APPLICATION IN OA 885/2019

Exhibit P5 A TRUE COPY OF THE ORDER DATED 08/04/2025 IN O.A. NO. 885/2019 RENDERED BY THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

## RESPONDENT EXHIBITS

Exhibit R1(b) True copy of the Representations dated 04.02.2014, 05.04.2014, 22.05.2014, 21.07.2014, 23.07.2014 and 07.08.2014 submitted by E.K. Narayanan

Exhibit R1(a) A true copy of the letter No.Staff/101-2097/10 dated 29.10.2014 addressed to the Superintendent of Post Office (4th Respondent) from the office of the Postmaster General, Northern Region, Calicut (3rd Respondent)

Exhibit R1(c) The releyant page of the Schedule - Part



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I General Service Rules, Group B