

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 040/00282 /2018

Date of Order: This, the 24th day of August 2018

THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER

1. Shrilekh Bahadur Bohara, MES No.243985
LDC (Under suspension)
868 Engineers works section, Pin-913868
S/O Shri Lal Bahdur Bohara
R/O Rangpahar, Dimapur
P.O., P.S and District:Dimapur, Nagaland
Present address-Azara, C/O Kamal das
(UDC, ADG Military Engineer Service)
P.O. and P.S.Azara, District:Kamrup (M),
Assam Applicant

By Advocate Mr.M.Chanda.

-AND-

1. The Union of India
Represented by the Secretary to the
Ministry of Defence
New Delhi-110001.

- 2, The Chief Engineer
Eastern Command Engs Branch
Pin;708542
C/O 99APO
Kolkata-21

3. The Chief Engineer Shillong HQ
Pin-900332
C/O 99 APO
Shillong, Meghalaya
4. The Commandant Works Engineer
HQ 137
C/O 99 APO, PIN-913868
Dimapur, Nagaland
5. The Garrison Engineer
868 Engineering Works Section
Pin-913868,
C/O 99APO Dimapur Nagaland
6. Col Punit Kumar Bharadwaj
H.Q.3 Corps.(Engineering)
Pin-913868
Dimapur Nagaland
7. Hrishikesh Barde
Major, Officiating Garrison Engineer
Dimapur Nagaland
Pin-913868, C/O 99AP
8. Brigadier B.P. Singh
H.Q. 3 Core, Pin-913868, C/O 99AP
St. Branch, Dimapur Nagaland

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Respondents

By Advocates: None

ORDER (ORAL)

Per Hon'ble Mr.N.Neihsial), Member(A):

The applicant herein approached before this Tribunal under Section 19 of the Administrative Tribunal Act, 1985 with the following reliefs:

“8.(1) That the Hon'ble Tribunal be pleased to set aside and quash the impugned order of suspension bearing letter No.131205/429/LBB/04/Engrs/E-1-1 Con dated 22.06.2018 (Annexure A1), as well as impugned communication dated 23.06.2018 (Annuxure-A2), with a further direction upon the respondents to reinstate the applicant in service with immediate effect.

2. Learned counsel for the applicant submitted that the applicant is working as LDC in the office of the Garrison Engineer, 868 Engrs. Works Section, Dimapur, Nagaland and while working as such, the applicant was placed under suspension vide order dated 22.06.2018 on the basis of findings of a court of inquiry conducted by H.Q.3 Corps, Dimapur, Nagaland, wherein a disciplinary proceeding is initiated under Rule 14 of the CCS(CCA) Rules, 1965. But even after a lapse of nearly two months from the date of suspension no charge sheet was issued against the applicant under the CCS(CCA) Rules, 1965. The applicant submitted an appeal for revocation of said

suspension order on 12.07.2018 as well as reminder on 06.08.2018. But the same is still pending with the authority without any consideration.

3. Learned counsel further submitted that the applicant is a civilian employee working in MES in the office of the GE, 868 Engrs, Works Section Dimapur, Nagaland. As such, the authority has no jurisdiction or sanction of law to place the applicant under suspension on the basis of Court of Enquiry under the Armed Forces Act.

4. Learned counsel for the applicant further submitted that no prior show cause notice or explanation was given to the applicant before issuing the impugned suspension order dated 22.06.2018.

5. Heard the learned counsel for the applicant, perused the pleadings and material placed before us.

6. From the perusal of the records, it is noted that against the impugned order dated 22.06.2018 the applicant submitted an appeal for revocation of suspension order on 12.07.2018 and reminder on 06.08.2018. However, the same are pending for disposal. As such, without going in to the merit of the case, I prefer to direct the respondent authority to consider and dispose of the pending

appeal dated 12.07.2018 filed by the applicant and pass orders as per rule within a period of three months from the date of receipt of this order.

7. O.A. is disposed of accordingly at the admission stage itself. No order as to costs.

(N. NEIHSIAL)
ADMINISTRATIVE MEMBER

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