

Central Administrative Tribunal
Principal Bench

R.A.No.148/98 in
O.A.No.1136/98

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Hon'ble Mr. Justice K.M.Agarwal, Chairman
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 4th day of August, 1998

Sudarshan Lal
s/o Shri Jayaram Dass
aged about 49 years
r/o G-453, Srinivasपुरi
New Delhi.

.. Applicant

Vs.

1. Union of India through
The Secretary
Department of Culture
Ministry of H.R.D.
Shastri Bhawan
New Delhi - 110 001.
2. The Director General
Archaeological Survey of India
Janpath
New Delhi - 110 001.
3. Shri Dharam Vir Sharma
Superintending Archaeologist
Archaeological Survey of India
Delhi Circle
Safdarjung Tomb
New Delhi - 110 003.

.. Respondents

O R D E R (By Circulation)

Hon'ble Shri R.K.Ahooja, Member(A)

The Petitioner seeks review of this Tribunal's order in OA No.1136/98 dated 5.6.1998. In the said OA the grievance of the applicant was in respect of the order of his suspension and the chargesheet issued to him on 11.4.1996 and 25.3.1997 which had been impugned on the ground of bias, malafide and arbitrariness. The Tribunal found no ground for interference in so far as the order of suspension and memorandum of charges were concerned and directed the respondents to complete the pending enquiries against the applicant within six months.

2. The petitioner submits that there has been a patent error apparent on the face of the record inasmuch as the order is silent regarding the involvement and threats given by the Superintendent Archeologist, non-supply of complete chargesheet to the applicant with Annexures, prayer for increase in the subsistence allowance and the representation made to the DG, Archeological Survey of India for change of the enquiry officer. For the reasons mentioned above, the petitioner prays for a review of the impugned order.

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3. We have considered the above submissions but find no merit therein. In the OA, the following reliefs were sought:

"i) To quash the impugned Annexures "A", "B" and "C" as being illegal, arbitrary, malafide and issued without application of mind in violation of the Fundamental Rights of the applicant guaranteed under Articles 14, 16, 19(c) and 21 of the Constitution of India.

ii) Consequently to relief at (i) being granted, direct the Respondents to reinstate the applicant in service retrospectively from 11th January, 1996 with all consequential benefits like back wages, seniority, bonus, promotion and any other benefit that may accrue to him as a result of retrospective reinstatement meaning thereby as if the suspension was never ordered."


Interim Relief:

i) Direct the respondents to revoke the suspension forthwith and direct the Respondents to allow the applicant to join the duties immediately as well as raise his subsistence allowance to 75% on completion of three months on 11th April, 1996 and to 90% after six months, pending disposal of the Original Application and without prejudice to the claim of either parties."

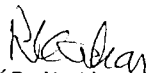
4. It would be seen that of the grounds mentioned by the petitioner only one, namely, raising of the subsistence allowance to 75% is mentioned in the relief clause and that too by way of interim relief. Since the OA was disposed of at the admission stage itself, on the basis of the main relief prayed for by the

applicant, there was no need to go into the prayer for interim directions. There is thus no error in the order for not dealing with ^aprayer which was not a part of the main OA. RA is therefore summarily dismissed.

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(K.M. Agarwal)
Chairman



(R.K. Ahooja)
Member (A)

/rao/