

Central Administrative Tribunal  
Principal Bench, New Delhi

O.A.No.1136/98

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

New Delhi, this the 57 Day of June, 1998

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

.. Applicant

(By Shri B.B.Raval, Advocate)

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

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

We have heard Shri B.B. Raval, learned counsel for the applicant, on admission.

2. The applicant is aggrieved by the order of his suspension dated 11.1.1996, the Memorandum of Charges dated 11.4.1996 and Memorandum of charges dated 25.3.1997. He impugns these orders on the ground of bias, malafide and arbitrariness. His allegation is that the Senior Archaeologist has set up these enquiries because as a Union Leader the applicant had sought to expose the irregularities of the former. Shri Raval during his argument has laid

particular emphasis on the fact that the order of suspension mentions a case of criminal complaint in respect of an offence being under investigation. In fact no such case has been registered or is under investigation by the Police. On the contrary Shri Raval points out, it is <sup>the</sup> applicant who has registered a criminal complaint against the Superintending Archaeologist in the Tughlak Road Police Station. Shri Raval also laid stress on the fact that the Memorandum of Charges dated 11.4.1996 makes no mention of any criminal case against the applicant.

(3)

3. We have considered the above submissions. The order of Suspension was passed as far back as on 11.1.1996. Apart, however, from the delay we also find that there is no mention therein that the criminal offence was under investigation of the Police. In so far as the two charge sheets are concerned it has been laid-down by the Supreme Court in various judgements (See Govt. of Tamil Nadu Vs. K.N. Ramarammurthy JT 1997(7) SC 401; Union of India Vs. A.N. Saxena JT 1992(2) SC 532; Union of India Vs. K.K. Dhawan, JT 1953 SC 236 and Union of India Vs. Upendra Singh JT 1994 (1) SC 658) that Tribunal has no jurisdiction to go into the correctness or truth of a charge sheet and the Tribunal cannot take over the function of a disciplinary authority; interference is possible only if charges framed indicate no misconduct or charges framed are contrary to law. The memorandum of charges alleges misconduct on the part of the applicant on account of misbehavior with his superiors, participation in activities of an unrecognised Trade Union, of holding demonstrations and gharoos etc. Therefore, it cannot be said that no misconduct is indicated or that the

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charges framed are contrary to law. It is not possible for the Tribunal to go into the correctness or otherwise of these charges against the applicant at this stage. (A)

4. While, therefore, we do not find any ground for interference in so far as the order of suspension and Memoranda of charges are concerned, we are, however, constrained to note that even though the first set of charges was issued on 11.1.1996, the enquiry has still not come to a conclusion. Therefore, in the interest of justice, we proceed to dispose of this OA at the admission stage itself by directing the respondents to complete the pending enquiries against the applicant within six months from the date of receipt of a copy of this order. Needless to add that the applicant will have to co-operate fully so that no unnecessary delay occurs on his account.

OA is disposed of accordingly.

*K.M.*  
(K.M. Agarwai)  
Chairman

*R.K. Ahuja*  
(R.K. Ahuja)  
Member (A)

\*Mittal\*