

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.1681 of 1998

New Delhi, this the 15th day of September, 1998

Hon'ble Mr. N. Sahu, Member(Admnv)
Hon'ble Dr.A.Vedavalli, Member(J)

Smt. Pratima Thakuria, Quarter No.C
136, Hanuman Road, New Delhi-110001. (2)
-APPLICANT

(By Advocate Shri Anil Nauriya with
Ms. Sumita Hazarika)

Versus

1. Union of India through Director
General (News), News Services
Division (Broadcasting House), All
India Radio, Parliament Street, New
Delhi-110001.

(By Advocate Shri Kirit Raval, Addl.
Solicitor General of India, Shri
K.R.Sachdeva)

2. Shri O.P.Kejriwal, Director General,
All India Radio, Akashwani Bhawan,
Parliament Street, New Delhi-110001. -RESPONDENTS

(By Advocate Ms.Kamini Jaiswal)

O R D E R (Oral)

By Mr. N. Sahu, Member(Admnv) -

This Original Application was filed on
31.8.1998. The applicant is aggrieved by an order
dated 28.8.1998 placing her under suspension without
conveying the grounds for passing such an order.

2. The counter states that the suspension order
was issued after "proper application of mind" by the
competent authority because of an alleged bomb scare
call allegedly traced to the residential telephone
number of the applicant. On further investigation,
we are told the Police filed a complaint under
Section 182 of the Indian Penal Code.

Karan Singh

3. The learned Addl. Solicitor General submits referring to his reply that the applicant has not exhausted alternative remedy of filing an appeal under Rule 23(1) of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 (In short 'CCS(CCA) Rules'. This is a statutory remedy by which a Government servant can prefer an appeal against the order of suspension made or deemed to have been made under Rule 10 of the CCS(CCA)Rules. Admittedly the applicant has not exhausted this alternative remedy because besides the bare suspension order no other material has been furnished to the applicant on the basis of which she can spell out the grounds of appeal.

4. We have heard the learned counsel of parties. It is very clear on the basis of a decision of Full Bench of this Tribunal in the case of B. Parameshwara Rao Vs. The Divisional Engineer, Telecommunications, CAT (FB) Vol. II 250 this O.A. cannot be admitted without the applicant exhausting the alternative remedy. The following other decisions of the Hon'ble Supreme Court in this context are relevant -

1. Ram and Shyam Company v. State of Haryana and others - AIR 1985 SC 1147
2. Titaghur Paper Mills Co. Ltd. and another Vs. State of Orissa and others-AIR 1983 SC 603.
3. S.S. Rathore v. State of M.P. - AIR 1990 SC 10
4. Kailash Chandra Vs. Union of India-AIR 1961 SC 1346.

Opinion

The law is now very well settled that unless alternative remedies are exhausted, particularly, a statutory remedy, the O.A. cannot be entertained by this Tribunal.

(A)

5. The submissions of the respondents' counsel relating to non-furnishing of supporting material are summed up from the counter filed. Under the existing instructions charges to the Government servant should be finalised within three months from the date of suspension. If for some reasons or the other it is not possible to complete this process within the time limit prescribed, the reasons for suspension should be communicated to the Government servant immediately after the expiry of the prescribed time limit. The respondents, we are informed, will endeavour either to serve the charge sheet or the reasons for suspension within a reasonable period of time. Although under the instructions where the reasons for suspension are communicated on the expiry of the time limit prescribed for issue of charge sheet, the time limit of 45 days is counted for filing an appeal from the date on which reasons of suspension are communicated, we advise the respondents to ensure that the reasons for suspension as well as if possible the charge sheet itself be communicated to the applicant as early as possible to enable her to file the statutory appeal before the prescribed period. The spirit of the instructions mandates all necessary steps be taken to enable an affected

Government servant to exercise his/her statutory
right of appeal.

(5)

6. In the result, the O.A. is dismissed as
premature.

A Vedavalli
(Dr. A. Vedavalli)
Member (J)

N. Sahu
(N. Sahu)
Member (Admnv)

rkv.