

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.2291/1998

Friday, this the 10th day of August, 2001

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S.A.T. Rizvi, Member (Admn)

Gopal Krishan Taank son of Sh. Sadhu Ram Taank
R/O J-1/222, DDA Flats Kalka Ji, New Delhi working
as Section Officer, Deptt. of Telecom, New Delhi.
...Applicant
(By Advocate: None)

Versus

Union of India through

1. The Secretary Ministry of Communications
Dept. of Telecom-cum-Chairman
Telecom Commission, 20 Ashoka Road,
Sanchar Bhawan, New Delhi-1.
2. Sh. V.K. Malhan, Superintending Engineer (HQ)
Dept. of Telecom. O/O (ECC)
Telecom Civil Zone, SCO 50-51,
Sector 34-A, Chandigarh.
3. Sh. K.K. Kulshrestha, Inquiry Officer
& Assistant, Director General (DI),
Dept. of Telecom,
West Block-1, Wing No.2, R.K. Puram
New Delhi-66.

...Respondents

(By Advocate: Shri D.S.Jagotra)

O R D E R (ORAL)

By Hon'ble Mrs. Lakshmi Swaminathan, VC (J):-

In the previous order dated 10.7.2001, it has been stated that the case will be listed on 8.8.2001 with clear instructions that if on the next date of hearing either of the parties choose not to be present for any reason before the Tribunal, the matter will be taken up on the basis of available records. Today, the case is listed at Sr. No.5 under regular matters under the caption that "no adjournment will be granted".

2. As none has appeared for the applicant even on the second call, MA-16601/2001 & MA-1661/2001 filed under the provisions of the C.A.T. (Procedure) Rules, 1987 are rejected.

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3. In this OA, the applicant has impugned various Memoranda issued by the respondents. Shri D.S.Jagotra, learned counsel, has submitted that the applicant has not been fully cooperating with the authorities for proper completion of the Departmental proceedings. By Memorandum dated 22.6.1998, it is stated that the President proposes to hold an enquiry against the applicant under Rule 14 of the C.C.S. (CCA) Rules, 1965 on the charges enumerated in the Annexure. By Memorandum dated 8.10.1998, the respondents have intimated the applicant about the time and date of the preliminary hearing in the above-mentioned Departmental enquiry. The applicant has been placed under suspension by order dated 8.4.1997 on the ground that Disciplinary proceedings are contemplated against the applicant.

4. Having regard to the facts and circumstances of the case and the judgement of the Hon'ble Supreme Court in Union of India vs. Upendra Singh (JT 1994 (1) SC 658), we do not agree with the contention of the applicant that the action of the respondents in initiating the Departmental enquiry proceedings or the charge-sheet issued by the respondents should be quashed at the interlocutory stage. Therefore, the claim of the applicant for quashing Memoranda dated 22.6.1998 and 8.10.1998 is without any merit, and is accordingly rejected. According to the applicant, he had submitted two representations dated 13.5.1997 and 8.12.1997 against the suspension order which have not been considered and replied. The respondents have, on the other hand, submitted that they have reviewed

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the suspension order and the competent authority has passed the order dated 8.7.1997 by which his subsistence allowance has been enhanced while rejecting the request for change of the quarter. Thereafter, what further action has been taken by the competent authority regarding review of the suspension in accordance with the Govt. of India's rules and instructions is not evident from the reply filed by the respondents. In any case, Shri D.S.Jagotra, learned counsel submits that the aforesaid Departmental proceedings initiated against the applicant in June, 1998 are still pending final decision by the competent authority. In the facts and circumstances of the case, there appears to be no grounds to set aside the suspension order dated 8.9.1997.

5. In the result, for the reasons given above, we find no good grounds in the OA and the same is accordingly dismissed without any order as to costs.


(S.A.T. Rizvi)
Member (A)

/sunny/


(Mrs. Lakshmi Swaminathan)
Vice-Chairman (J)