

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No.
199O.A. No. 1924/95
T.A. No.

199

5

DATE OF DECISION

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26.4.1996

Shri Phool Chand

Petitioner

Shri K.P. Dohare

Advocate for the Petitioner(s)

Versus

Respondent

GARUDOG & ORS.

Shri Madhav Panicker

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. B.K. Singh, Member (A)

The Hon'ble Mr. Dr. A. Vedavalli, Member (J)

1. To be referred to the Reporter or not? *yes*2. Whether it needs to be circulated to other Benches of the Tribunal? *No*

 (B.K. Singh)
 Member (A)
 26.4.96

Central Administrative Tribunal
Principal Bench, New Delhi.

(6)

O. A. No. 1924/95

New Delhi this the 26th Day of April, 1996.

Hon'ble Sh. B. K. Singh, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Shri Phool Chand,
S/o Shri Peardiya,
R/o Q.No.923A, Raj Nagar,
Palam Colony,
New Delhi-110 045.

Applicant

(through Sh. K. P. Dohare, advocate)

versus

1. Union of India,
through the Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi-110 001.

2. The Director General of Works,
CPWD, Nirman Bhawan,
New Delhi-110 001.

Respondents

(through Sh. Madhav Panikar, advocate)

OR DR

delivered by Hon'ble Sh. B. K. Singh, Member (A)

This application has been filed seeking
the following reliefs:-

"(a) Directions may please be issued
to the respondents to revoke suspension
order forthwith and take the applicant
on duty on account of default of
compliance with the guidelines/
instructions issued by Govt. of India.

(b) Forfeit respondents right to issue
charge memo because of undue delay
of ten months from the date of suspension.

(Signature)

(1)

The applicant was placed under suspension vide Annexure A1 and Annexure A2 of the paperbook. It is admitted that he is getting subsistence allowance.

The present application for issuing a direction to revoke the suspension order and also to debar the competent authority from serving a chargesheet on the applicant are misconceived. In a catena of judgements the Hon'ble Supreme Court have held the view that it is none of the business of the Tribunal to look into the correctness of charges and its gravity. Suspension is an inherent administrative power to keep the delinquent employee away from the place of his work if the charges are serious which may entail major penalty against him. In case of U.O.I. Vs. Upendra Singh (S.C.C 1994 (3) 357) where the Tribunal had interfered at the interlocutory stage, the Hon'ble Supreme Court set aside the order. In case of State of Tamil Nadu Vs. S.L. Srinivas the Hon'ble Supreme Court has set aside the order of the State Tribunal quashing the suspension order and the chargesheet. They have said that this is the grossest error committed by the Tribunal. The Tribunal is not competent to interfere at this stage. The applicant should face the enquiry and the respondents will afford him all the opportunities to defend himself. It is presumed that the respondents are reviewing the case of suspension of the applicant every three months as envisaged by the circular of the D.O.P.T. and are also taking steps to consider increase in

(2)

(B)

subsistence allowance as per rules. No interlocutory order can be passed by the Tribunal at this stage regarding revocation of suspension order or from serving a chargesheet by the competent authority. Accordingly, this application is dismissed as not maintainable with no order as to costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

(B. K. Singh)
Member (A)

/vv/