

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.2623/96

New Delhi, this the 14th day of August, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri K. Muthukumar, Member (A)

Sh. A.G. Sharma,
s/o Shri Gajadhar Sharma,
R/o A-273 A, Gali Chet Ram,
Mauj Pur, Delhi.Applicant

(By Advocate: Shri B. Krishan)

-versus-
Union of India through

1. The Joint Director General,
Office of the Joint Director General,
of Foreign Trade, Ministry of Commerce,
(Central Licencing Area)
6-7, Asaf Ali Road,
Delhi.
2. The Deputy Director General,
Office of the Deputy Director General
of Foreign Trade, Panipat (Haryana).

(By Advocate: Shri K.R. Sachdeva)Respondents

O R D E R (ORAL)
[Dr. Jose P. Verghese, Vice-Chairman (J)]

Petitioner is stated to be under suspension since 23rd Sept., 1994 on the ground that the investigation in the case is going on. After notice, the reply has also been filed and the only fact stated in the reply is that the case is still in the process of investigation.

Some of the previous decisions of this court held that pendency of suspension order for more than two years should have been subjected to a review and a speaking order should have passed for the petitioner to be continued under suspension.

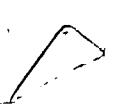
In the circumstances and in the absence of an order in review justifying the reason for continued suspension in accordance with the rules, we find that continuation of the petitioner under suspension is mechanical and without application of mind to the facts and circumstances of the case and therefore, we revoke the order of suspension giving liberty to the respondents, as and when it is necessary under the rules to suspend the petitioner in the circumstances of the case, to pass a fresh order that too strictly in accordance with the rules and stating the reasons for the same.

With these directions, this OA is disposed of with no order as to costs.


(K. Muthukumar)
Member (A)

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(Dr. Jose P. Verghese)
Vice-Chairman (J)



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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 2623/96

New Delhi this the 15th Day of September 1997

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Shri K. Muthukumar, Member (A)

Shri A.G. Sharma,
Son of Shri Gajadhar Sharma
R/o A-273 A, Gali Chet Ram,
Mauj Pur, Delhi.

Applicant

(By Advocate: Shri B.Krishna)

-Versus-

Union of India through

1. The Joint Director General,
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of Foreign Trade, Ministry of Commerce,
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6-7, Asaf Ali Road,
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of Foreign Trade, Panipat (Haryana)

Respondents

(By Advocate: Shri K.R. Sachdeva)

"CORRIGENDUM"

In place of the name of the Counsel for the
Respondents, the name of Shri S. Mohd. Arif may be
added.


(K. Muthukumar)
Member (A)


(Dr. Jose P. Verghese)
Vice Chairman (J)

Mittal