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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.1230/94

New Delhi, dated the 7th July, 1994

Hon'ble Sh.N.V.Krishnan, Vice Chairman(A)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri Kali Charan
R/o 10/13, Probyon Road, the Mall
Delhi-110054

... .. Applicant

(By advocate Sh.V.K. Malhotra)

V/s

1. Govt.of India, through
Secy.Ministry of Human Resources,
Development, Deptt.of Education,
New Delhi
2. Lt.Governor of Delhi,
National Capital Territory of Delhi,
16 Rajpur Road, Delhi.
3. Commissioner cum-Secretary(Education)
Old Sectt. Govt.of National Capital
Territory of Delhi.
4. Director of Education, Old Sectt.Delhi.

.... Respondents

(None for the respondents)

O R D E R(ORAL)

(Hon'ble Sh. N.V.Krishnan, Vice Chairman(A))

We have heard the ld.counsel for the applicant. The applicant is an Additional Director of Education(A.E.) in the Dte.of Education, Govt.of National Capital Territory of Delhi. He has been suspended by the Ann.D. order dated 27.4.93 by the Lt.Governor of Delhi(IIInd respondent). Subsequently Memo.of charges have been issued to him on 10.3.94.

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Applicant has prayed for the following reliefs:-

- (i) Respondents be directed to revoke the suspension order dated 27.4.93.
- (ii) Applicant be reinstated with all its back wages as on 26.4.1993. The difference of pay as drawn on 27.4.93 till date be paid as arrears of pay from 27.4.1993.
- (iii) The applicant be reinstated to its own substantive post of Addl. Director of Education, Dte. of Education, National Capital Territory of Delhi.

2. We have heard the ld.counsel for the applicant

3. It is stated that the applicant is a class-I officer. His appointing authority under Rule 8 of the CCS (CCA) Rules, 1965- Rule for short- is the President. However, these powers have been delegated to the Chief Commissioner of Delhi initially and now to the Lt.Governor of Delhi.

4. In regard to suspension there is Rule 23, *which* makes it clear that an appeal lies against an order of suspension. If, therefore, applicant has any grievance in regard to suspension, he should file an appeal.

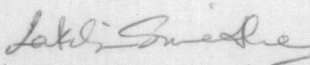
5. We wanted to know from the ld.counsel for the applicant to ^{be} ~~elucidate~~ whether, in the circumstances of the case, an appeal lies. He has not been able to make any submission in this behalf.

6. We are of the view that as Lt.Governor of Delhi has been given powers of suspension

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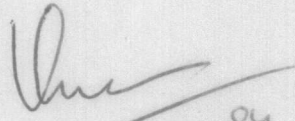
as a delegatee by the President, an appeal would necessarily lie to the President of India. It is made clear in Rule 22 that an appeal would not lie against an order made by the President. The order of suspension passed by the Lt. Governor cannot be treated to be an order of the President for the purpose of Rule 22.

6. In the circumstances, this application is premature. The applicant has to exhaust his remedies ^u and take legal remedies provided ~~only~~ under the Rules for the redressal of grievance. Hence this O.A. is dismissed.


(Smt. Lakshmi Swaminathan)

Member (Judicial)

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9.7.84
(N.V. Krishnan)

Vice Chairman (A)