

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI.

REGN.NO. OA 979/89

Dated: 4.9.1989

Shri O.P.Tokas

..... Applicant

Vs.

Delhi Administration & anr.

..... Respondents

CORAM: HON'BLE MR. P.K.KARTHA, VICE CHAIRMAN  
HON'BLE MR. P.C.JAIN, MEMBER

For the Applicant

... Shri R.N.Saxena, Counsel.

For the Respondents

... Shri M.M.Sudan, Counsel.

( Judgement of the Bench delivered by Hon'ble  
Mr. P.K.Kartha, Vice Chairman)

The applicant, who is a U.D.C. in the office of the Directorate of Transport (M.L.O. Branch) Delhi Administration, by this application under Section 19 of the Administrative Tribunals Act, 1985 has prayed that the impugned order dated 24.6.88 whereby he was placed under suspension be quashed and that he be reinstated in his post with immediate effect.

2. This application was filed in the Tribunal on 9.5.1989 and notices were directed to be issued to the respondents on admission and interim relief, returnable on 4.9.1989.

3. Shri M.M.Sudan, learned counsel of the respondents stated that the impugned order dated 24.6.1988 was passed in contemplation of the disciplinary proceedings against the applicant, in exercise of the powers conferred by sub-rule(1) of Rule 10 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965. A Memorandum under Rule 14 of the said Rules was also served on the applicant on 3.11.1988 in pursuance of which the inquiry had not only commenced but the prosecution case has almost/completed. He also placed

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before us a copy of the order dated 21.7.1989 issued by the respondents whereby the subsistence allowance payable to the applicant has been increased by 50%.

4. Learned counsel of the applicant stated that there has been delay in the conduct of the departmental proceedings and that the applicant is entitled to be reinstated as <sup>the</sup> ~~in~~ time schedule prescribed in the Office Memorandum dated 16.12.1972 has not been adhered to. He also stated that there was no prima facie case to proceed against the applicant for the alleged misconduct.

5. The Office Memorandum issued by the Department of Personnel on 16.12.1972 is in the nature of guidelines issued to the Administrative Ministries/ departments to ensure speedy action in suspension cases. The said Office Memorandum concluded by stating that in exceptional cases where it is not possible to adhere to the time-limit mentioned therein, the disciplinary authority should report the matter to the next higher authority, explaining the reasons for the delay.

6. In the instant case, we are of the opinion that the delay in initiating the departmental proceedings against the applicant cannot be said to be unreasonable. All the defence available to the applicant in regard to ~~the alleged~~ misconduct could be taken before the disciplinary authority. We do not consider that at this stage, the Tribunal should interfere in the instant case. We do not find any legal infirmity in the impugned order dated 24.6.1988. In the circumstances, we dismiss the application at the admission stage itself. Parties will bear their own costs.

*( P. C. JAIN )*  
MEMBER  
4.9.89

*( P. K. KARTHA )*  
VICE CHAIRMAN  
4.9.1989