

CENTRAL ADM IN ISTRAT IVE TRIBUNAL  
PRINCIPAL BENCH, DELHI.

Regn. No. O.A. 1999/1988. DATE OF DECISION: 25-7-1991.

B.S. Gupta .... Applicant.

V/s.

Union of India .... Respondent.

CORAM: Hon'ble Mr. Justice U.C. Srivastava, Vice Chairman.  
Hon'ble Mr. I.P. Gupta, Member (A).

Shri R.K. Kamal, counsel for the applicant.  
Shri P.P. Khurana, counsel for the respondent.

(Judgment of the Bench delivered by Hon'ble  
Mr. Justice U.C. Srivastava, Vice Chairman)

JUDGMENT (ORAL)

The applicant, who was at the relevant point of time Under Secretary (Tele.), Cabinet Secretariat (R&AW), was suspended by the order dated 13th November, 1987 under sub-rule 1 of Rule 10 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 on the ground that disciplinary proceedings against him were under contemplation. On 17.3.1989, another order of suspension, this time under Rule 10(1)(b) of the CCS (CC&A) Rules, 1965 was passed in modification of the earlier order on the ground that a case against him in respect of a criminal offence was under investigation. The latter order is, however, not under challenge in this application, nor any relief in respect thereof has been sought. It appears no disciplinary proceedings were started as contemplated in the Order dated 13.11.1987 and whatever was being thought of in this behalf was dropped at the initial level and it never saw the light of the day. The applicant contended that the impugned order dated 13.11.1987, being illegal and void, be quashed.

2. It has been contended that the aforesaid impugned order was superseded by the second order which was passed in 1989 and it was based on a different ground. It is not necessary for us to make any observation in this behalf as the same has not been impugned. However, the order dated 13.11.1987 cannot be sustained and accordingly this application deserves to be allowed. Order dated 13.11.1987 is hereby quashed.

The applicant shall be entitled to claim whatever may accrue to him as a result of quashing of this order. There shall be no order as to costs.

  
(I.P. GUPTA)  
Member (A)

  
(U.C. SRIVASTAVA)  
Vice Chairman (J)

26.7.1991.