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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 699/88

Date of Decision: 15.9.1993

Shri Puran Chand

...

Petitioner

Vs.

Union of India

...

Respondents

Coram:

The Hon'ble Mr. I.K. Rasgotra, Member (A)

The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

...

None

For the respondents

...

None

Judgement (Oral)

Neither the petitioner nor his counsel was present. This being a very old case, we proceed to decide it on merits. The principal grievance of the petitioner is that he was placed under suspension on 24.7.1985 which continued for a long period of time. He prays that the said suspension order be quashed and the disciplinary proceeding which have not been initiated during the past 34 months be dropped.

The respondents in their counter affidavit have pointed out that the suspension of the petitioner was revoked vide Order dated 4.7.1988. Thus the principal grievance of the petitioner does not any longer subsist. The respondents further submit that the investigation carried out by the CBI reveals that the petitioner was involved in embezzlement and misappropriation of Government funds and that issue of charge sheet to him is under process in the light of the CBI report and other relevant material. Since nobody is present on behalf of the petitioner, or of the respondents, we are not aware whether the contemplated charge sheet has been served on the petitioner or not. When the case came up for hearing on 7.6.1988, the petitioner was granted

an ad interim order which is reproduced below:

"The applicant should be provisionally reinstated with immediate effect subject to the outcome of the main application. The impugned order of suspension will remain stayed w.e.f. the date the applicant reports to duty and he is reinstated. The applicant should be paid full pay and allowances from the date of his joining subject to future adjustment depending upon the outcome of the main application."

Thus the order of suspension is no longer operating since the date of interim order. The respondents also confirm that they have revoked the suspension vide order 4.7.1988. Thus the principal relief prayed for is already granted to him. In the circumstances the interim order is made absolute. The relief prayed for is that the contemplated disciplinary proceedings be not initiated. We do not find any justification for interfering in the process of disciplinary proceedings in accordance with law.

In the circumstances the O.A. is dismissed as infructuous. The petitioner will be at liberty, if he is aggrieved by the final order in the disciplinary proceeding, to approach the Tribunal, if so advised in accordance with law.

(J.P. Sharma)
(J.P. Sharma)
Member (J)

(I.K. Rasgotra)
(I.K. Rasgotra)
Member (A)

Mittal