

In the Central Administrative Tribunal
Principal Bench: New Delhi

DA No.876/88

Date of decision: 20.11.1992.

Shri Puran Singh

...Petitioner

Versus

Union of India through the
Chairman, Central Board of
Excise and Customs, New
Delhi & Another

...Respondents

Coram: -

The Hon'ble Mr. Justice V.S. Malimath, Chairman
The Hon'ble Mr. I.K. Rasgotra, Member(A)

For the petitioner : None

For the respondents : None

Judgement(Oral)
(Hon'ble Mr. Justice V.S. Malimath, Chairman)

None appeared for either parties. We have perused the records of the case. The petitioner has challenged the order of suspension dated 2.7.1987 mainly on the ground that proposed disciplinary enquiry has not been initiated even though 10 months have elapsed. The Tribunal granted an interim order on 14.6.1988 to the effect that if the chargesheet is not served within a period of 30 days, the order of suspension shall stand revoked. In the reply filed by the respondents in this case, it is stated in paragraph-6.4 that the disciplinary proceedings have been initiated and chargesheet has been issued to the petitioner on 6.7.1988. It is, therefore, clear that the initiation of the disciplinary proceedings has been done within the time granted by the Tribunal. The other prayer of the petitioner is to drop the proceedings on the ground that the disciplinary proceedings had not been initiated and for payment of subsistence allowance.

...2..

(10)

As the disciplinary proceedings have been initiated, the question of granting the second relief also would not arise. As there is an order of suspension, the petitioner did become entitled to payment of subsistence allowance in accordance with the rules. In the circumstances, the petitioner is not entitled to any relief. The O.A. is, accordingly, disposed of. No costs.

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

V.S. Malimath
(V.S. Malimath)
Chairman

san
201192