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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

REGN. NO. O.A. 1767/90.

DATE OF DECISION: 22.11.1990.

Shri Raj Kumar Sachdev. .... Applicant.

Versus

Union of India & Ors. .... Respondents.

CORAM: The Hon'ble Mr. Justice Amitav Banerji, Chairman.  
The Hon'ble Mr. I.K. Rasgotra, Member(A).

For the Applicant. .... Shri P.S. Mehandru,  
Counsel.

For the Respondents. .... Shri P.H. Ramchandani,  
Sr. Counsel.

( Judgement of the Bench delivered  
by Hon'ble Mr. Justice Amitav  
Banerji, Chairman )

In this Original Application which is fixed for admission and also for final disposal, we have heard Shri P.S. Mehandru, learned counsel for the applicant and Shri P.H. Ramchandani, Sr. Counsel for the respondents.

Shri Mahendru has prayed for quashing of the order dated 7.3.1988 (Annexure A-1 to the O.A.), namely, the order of suspension passed against the applicant. He has also prayed for reinstatement of the applicant with payment of full pay and allowances for the period of suspension to him. Shri Mahendru also submitted that the applicant who was charge-sheeted and underwent<sup>trial</sup>/in a Criminal Court, was acquitted by a judgement dated 11.1.1990. The suspension order was not withdrawn and continued. Ultimately, the respondents initiated the disciplinary proceedings against the applicant


and continued the suspension order. Shri Mahendru today argued that the suspension order can-not be continued and it has to be set aside. But our attention has been drawn by Shri Ramchandani to the fact that the applicant had filed an appeal against the continued order of suspension, which is pending before the Appellate Authority. This appeal was filed on 5.10.1990. Shri Ramchandani took a plea that until the statutory remedies provided under the Act are completed, the Application under Section 19 of the Act cannot be entertained by this Tribunal. In support thereof, he referred to the Full Bench's decision of the Tribunal given at Hyderabad in the case of B. Parmeshwara Rao Vs. The Divisional Engineer, Telecommunications, Eluru and another where the Tribunal has taken the view that normally the Tribunal will not entertain an Application unless the statutory remedies are exhausted. However in case, the Appellate Authority does not decide the matter even on the expiry of six months, it is open to the applicant to approach this Tribunal immediately on the expiry of six months <sup>filing the</sup> period of/appeal or representation, as the case may be. That period of six months is not yet over. We are not inclined to go into the question of merits at this stage. Whatever is challenged in this O.A. is also the matter of the appeal before the Appellate Authority. It will, therefore, be proper that the Appellate Authority decides the matter at an early date so that the matter of that level is over.

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We have considered the matter and we think that a period of six weeks and no more may be allowed to the respondents to dispose of the appeal. Shri Ramchandani states that he will impress upon the authorities to dispose of the appeal within the period of six weeks which begins from today.

With these observations, this O.A. is disposed of with the liberty that in case the appeal is <sup>decided</sup> against the applicant, he may seek appropriate relief from the Tribunal.

There will be no order as to costs.

  
( I.K. RASGOTRA )  
MEMBER(A)

22.11.90.

  
(AMITAV BANERJI)  
CHAIRMAN

22.11.90

SRD