

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 2125/90
T.A. No.

199

DATE OF DECISION 23.11.1990

Shri Om Prakash Gupta

~~Petitioner~~ Applicant

Applicant in person

Advocate for the Petitioner(s)

Versus

Shri B.C. Mahey, Principal Dir. of

Respondent

Commercial Audit & Urs.

Shri N.S. Mehta, Sr.

Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

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

This application has been filed by the applicant, who is an Audit Officer working in the Office of the Principal Director of Commercial Audit. He has prayed for revocation of the impugned order of suspension dated 22.1.1990 and for awarding to him damages to the extent of Rs.15 lakh together with costs for defamation and damage suffered by him. The application came up for admission on 23.10.1990 when notice was directed to be issued to the respondents, returnable on 16.11.1990. After hearing the applicant and the learned counsel for the respondents on 16.11.1990, we ~~felt~~ ^{are} that the application could be disposed of at the admission stage itself and reserved our orders. By the impugned order dated 22.1.90,

the applicant was placed under suspension. The impugned order states that disciplinary proceedings against him was contemplated. The impugned order was passed in exercise of the powers conferred by Rule 10 (1) of the C.C.S. (CCA) Rules, 1965.

2. The applicant stated that a charge-sheet has been issued to him after he filed the present application before us and notice was issued to the respondents. The subsistence allowance payable to him has been increased w.e.f. June, 1990. He had submitted a representation to the respondents on 3.5.1990, wherein he had requested for revoking the order of suspension. The respondents have not, however, acceded to his request.

3. The applicant has referred ^{to} the decision of the Madras Bench of this Tribunal in P. Satya Harnath Vs. Collector of Customs & Another, 1988 (7) A.T.C. 548 in support of his contention that the respondents should revoke the order of suspension. In the case before the Madras Bench of the Tribunal, the applicant had been placed under suspension in February, 1987 by invoking the power under Rule 10 (1) of the C.C.S. (CCA) Rules, 1965. The Tribunal observed that more than a year had expired and no departmental proceedings had been initiated against the applicant. In the facts and circumstances of the case, the Tribunal held that the continued suspension of the applicant was not justified.

4. The decision of this Tribunal in Satya Harnath's case is clearly distinguishable. In our opinion, the delay in initiating departmental proceedings against the applicant before us, cannot be said to be inordinate.

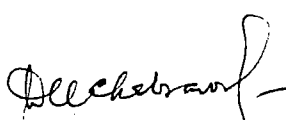
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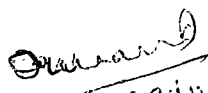
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The applicant has relied upon the numerous administrative instructions issued by the authorities of the respondents, according to which, the contemplated departmental proceedings should be expedited, and that suspension should be resorted to only in exceptional cases. These guidelines are not mandatory but directory. As the applicant himself has admitted that the charge-sheet has been issued to him in regard to the departmental inquiry, we do not consider this to be a fit case in which the Tribunal should interfere with the impugned order of suspension at this stage.

5. The application is, therefore, dismissed at the admission stage itself. We, however, make it clear that this order will not preclude the applicant from moving the Tribunal with a fresh application at a later stage if the departmental proceedings are unduly prolonged for reasons not attributable to the applicant.

There will be no order as to costs.


(D.K. Chakravorty)
Administrative Member
23-11-1990


23/11/90
(P.K. Kartha)
Vice-Chairman (Judl.)