

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 549/90

New Delhi this the 4th day of July, 1994

CORAM :

THE HON'BLE MR. J. P. SHARMA, MEMBER (J)

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

S. L. Bansal S/O H. L. Bansal  
R/O AB-852, Sarojini Nagar,  
New Delhi, working as  
Store Supdt., under Delhi  
Administration, Industrial  
Training Institute,  
Shahdara, Delhi-95.

... Applicant

None appeared for the Applicant

Versus

1. Union of India through,  
Chief Secretary,  
Delhi Administration,  
Delhi.
2. Principal,  
Delhi Administration,  
Industrial Training Institute,  
Shahdara, Delhi-32.
3. Shri C. K. Sharma,  
Principal, Delhi Admn.,  
Indl. Trg. Instt.,  
Shahdara, Delhi.

... Respondents

None for the Respondents

O R D E R (ORAL)

Shri J. P. Sharma, M (J) :

The applicant while working as Store Superintendent was suspended vide order dated 10.4.1989 under sub-rule (1) of Rule 10 of the C.C.S. (C.C.A.) Rules, 1965 as a criminal offence was under investigation against him. The Administration also issued a memo dated 12.1.1990 for holding an inquiry under Rule 14 of the C.C.S. (C.C.A.) Rules enclosing along with the memo statement of articles of charges (Annexure-I),

statement of imputation of misconduct or misbehaviour in support of articles of charge (Annexure-II), and the relevant evidence that was to be adduced is also mentioned in Annexures-III & IV of the above memo. On 19.3.1990, the applicant filed this application for grant of the relief that the impugned orders dated 10.4.1989 and the memo dated 12.1.1990 be quashed. A notice was issued to the respondents who contested the application and stated that the applicant has not exhausted the departmental remedies and further there is no ground for interference with the impugned orders assailed by the applicant in the present case.

2. The matter was listed for hearing today and none appeared for either party. We also find from the record as well as from the ordersheet available on the file of different dates that no interim direction was issued in favour of the applicant to stay the departmental inquiry initiated by the memo dated 12.1.1990. We are, therefore, unaware of the latest position of the case. The applicant has also not filed any rejoinder to the reply filed by the respondents in spite of the repeated opportunities afforded time and again.

3. We have gone through the record and find that there is no case to interfere with the impugned orders. The applicant was facing criminal investigation and the competent authority exercised its powers under Rule 10 (1) of the C.C.A. Rules putting

the applicant under suspension. There is no irregularity or illegality in issuing the said order by the competent authority. The respondents were also within their rights to initiate departmental inquiry against the applicant and there is no occasion to interfere with the same during the pendency of the inquiry proceedings.

4. The present application, therefore, is totally devoid of merit and is dismissed, however, with liberty to the applicant to assail any order passed finally in the aforesaid departmental inquiry, if he is still aggrieved and so advised, in the competent forum, in accordance with law. No costs.

*S. R. Adige*  
( S. R. Adige )  
Member (A)

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

/as/