

(H)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1644 OF 2004

New Delhi, this the 9th day of July, 2004

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Dr. B.B. Singh
Principal Scientist & Head
Division of Genetics
I.A.R.I., New Delhi-110012.

.....Applicant

(By Advocate : Shri M.C. Dhingra)

Versus

1. Indian Council for Agricultural Research,
Through its Secretary - Cum - Joint Secretary
(DARE)
Ministry of Agriculture,
Krishi Bhawan,
Dr.Rajendra Prasad Road,
New Delhi.
2. Director (Vigilance)
Indian Council for Agricultural Research
Krishi Bhawan,
Dr.Rajendra Prasad Road,
New Delhi.
3. Under Secretary (Vigilance)
Indian Council for Agricultural Research
Krishi Bhawan,
Dr.Rajendra Prasad Road,
New Delhi.

.....Respondents

ORDER (ORAL)

This Original Application under Section 19 of the Administrative Tribunals Act, 1985 has been filed seeking setting aside of order dated 6.7.2004 by which the applicant has been placed under suspension under Rule 10 (1) of CCS (CCA) Rules, 1965 (hereinafter referred to as "Rules").

2. The learned counsel states that the applicant was earlier placed under suspension as per order dated 27.6.2003 (Annexure A/2). This order of suspension was under Rule 10 (1) of the Rules. Considering the representation of the applicant, the

On behalf of
Shri M.C. Dhingra

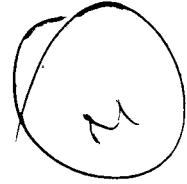
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suspension order was revoked vide order dated 13.10.2003 (Annexure A/4). The claim of the learned counsel of the applicant is that there is no new development between the last revocation order of 13.10.2003 and the fresh suspension order of 6.7.2004. According to the learned counsel, the present order dated 6.7.2004 is an arbitrary order lacking any bonafide and is based on extraneous consideration.

3. After hearing the learned counsel of the applicant for some time the provisions contained in Rule 23 (1) of the Rules were pointed out to him. On this account, he was also asked to state as to why present OA be entertained in spite of such a prohibition under Section 20 of the Administrative Tribunals Act, 1985. The applicant having not filed any appeal, the present OA could not be entertained by this Tribunal. The learned counsel stated that he has no objection in filing an appeal to the competent authority provided this suspension order dated 6.7.2004 was stayed till the decision of the appellate authority on his appeal.

4. After hearing the learned counsel of the applicant and after perusal of the material made available, it is considered expedient to dispose of this application at the admission stage without issue of a notice to the respondents as their rights are not likely to be affected. In view of the provisions contained in Section 20 of the Administrative Tribunals Act, 1985, it is clear that this Tribunal

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shall not ordinarily admit the application unless it is satisfied by the applicant that he had availed all the remedies available to him under the relevant service rules as to redressal of grievances. Apparently, in this case, the applicant should have approached the competent authority with an appeal which is provided for under Rule 23 (1) of the Rules. The applicant may do so now. The appellate authority is directed not to raise objections regarding delay in filing the appeal in view of the applicant having filed the Original Application in this Tribunal on 8.7.2004. In case, the applicant files any appeal against the impugned order of suspension dated 6.7.2004, the competent authority may dispose the same within a period of one month from the date of receipt of such appeal by passing a reasoned and speaking order under intimation to the applicant. The request of the applicant for staying the impugned order dated 6.7.2004 is rejected at this stage.

5. In view of the order in the preceding paragraph, this Original Application is disposed of without any order as to cost.



(R.K. UPADHYAYA)

ADMINISTRATIVE MEMBER

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