

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 3191/1992

(3)

New Delhi this the 9th day of February, 1998

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Shri S. K. Ghambir
(ADET Telephones, MTNL),
50, Nehru Apartments,
New Delhi-110019. ... Applicant

(By Shri R. Dooraiswamy with Shri Sant Singh,
Advocates)

-Versus-

Union of India through
Secretary, Department of
Telecommunications,
Dak Bhawan, Sansad Marg,
New Delhi-110001. ... Respondent

(By Shri V. K. Rao, Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

By this application, the applicant has made a prayer for declaring the initial suspension order dated 31.8.1974 as illegal and has also made a further prayer for quashing the subsequent order dated 17.4.1989 (Annexure A-7), whereby the suspension order dated 31.8.1974 was revoked.

2. The learned counsel for the respondents wanted time to ascertain if the applicant continued to be under suspension. According to him, the application has become infructuous.

JKW

(A)

3. However, we do not think it proper or necessary to adjourn the case because the revocation order dated 17.4.1989 itself is clear that thereafter the applicant would not be treated under suspension.

4. The learned counsel for the applicant submitted that the purpose of filing this application was for a declaration that the initial order of suspension was null and void and thereafter for directing the respondents to treat the applicant to be on regular duty between 31.8.1974 and 17.4.1989, i.e., the period under suspension.

5. After the Administrative Tribunals Act, 1985 was enforced and the Tribunal constituted, no application for quashing the suspension order was passed within a time mentioned under the Act. Under the circumstances, we are of the view that we have no jurisdiction over the subject matter of the application pertaining to suspension made in the year 1974.

6. We are further of the view that after the suspension is revoked and departmental enquiry is concluded, the disciplinary authority is to pass an order under FR-54B. That order could not have been passed during the pendency of the enquiry proceedings. We do not know when the enquiry proceedings were concluded but it does appear that on the date of this application the enquiry proceedings continued, though

Bm

(5)

the applicant did not remain under suspension. It is, therefore, also not possible to say whether the applicant was by subsequent order treated or not treated to be on duty during the period of suspension and whether or not he was entitled to full salary for the period under suspension.

7. For the foregoing reasons, we find no merits in this case. Accordingly, it is hereby dismissed. No costs.

8. After the order was dictated, the learned counsel for the applicant submitted that the suspension was not on account of pendency of any departmental enquiry but on account of pendency of certain criminal investigation by the CBI against the applicant. Be that as it may, our conclusions arrived at as above, shall stand.

Km

(K. M. Agarwal)
Chairman

R. K. Ahuja —
(R. K. Ahuja)
Member (A)

/as/