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(X)

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.2441/93

New Delhi this the 11th Day of January, 1994.

Shri N.V. Krishnan, Vice-Chairman (A)  
Shri B.S. Hegde, Judicial Member

Shri K.D.P. Sinha,  
son of late Shri Mahavir Sinha,  
C-74, Naraina Vihar,  
New Delhi-28.

...Applicant

(By Advocate Sh. Gurmeet Singh)

Versus

1. Union of India through  
Secretary (AH&D), Ministry  
of Agriculture, Krishi  
Bhawan, New Delhi.
2. The General Manager,  
Delhi Milk Scheme,  
West Patel Nagar,  
New Delhi.

...Respondents

ORDER (Oral)  
(Hon'ble Mr. N.V. Krishnan)

This application has been filed, seeking  
the following reliefs:-

"(i) Quashing the order of suspension  
NO.13-73/92-LD I, dated the 23rd April,  
1993 (Annexure A-1) issued by respondent  
No.1, and direct the respondents to post  
him back to his original post in the Delhi  
Milk Scheme.

(2) Direct the respondent to pay to the  
applicant full pay and allowances from  
23.4.1993 onwards;

(3) Direct the respondents to consider  
the applicant for ad-hoc and other promotions  
for which he may be due in view of his  
seniority in Delhi Milk Scheme etc."

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2. When this matter came up today for admission, the learned counsel for the applicant submitted that he was not pressing prayer No.3, referred to above.

3. In so far as the suspension is concerned, the learned counsel for the respondents has produced for our perusal order dated 4.1.94 issued by the Ministry of Agriculture, the first respondent, by which the suspension of the applicant made by the impugned order dated 23.4.93 (Annexure-I) has been revoked with immediate effect. A copy of this order has already been given to the applicant also.

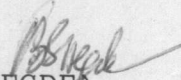
4. In the circumstance, we find that in so far as the prayer No.1, seeking quashing of the impugned order is concerned, the applicant has already got the relief and nothing remains for adjudication.

5. The learned counsel for the applicant, however, prays that the respondents should post him back to his original post in the Delhi Milk Scheme, as prayed, in item No.(i) above. The learned counsel for the respondents submits that a disciplinary enquiry is contemplated ~~and~~, Therefore, the respondents have full discretion to post him wherever they like.

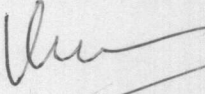
6. The second prayer is that the respondents should pay the applicant full pay and allowances from 23.4.93, i.e., from the date of suspension. We understand from the learned counsel for the respondents that the suspension was initially made in contemplation of a disciplinary proceeding. In the normal course the period of suspension will



be regularised by a final order in the disciplinary proceedings which will indicate the emoluments to which the delinquent would be entitled. As no disciplinary proceeding has so far been initiated, we are of the view that a direction should be issued in this case that in case the respondents intend to initiate disciplinary proceedings against the applicant it shall be initiated within a period of two months from the date of receipt of a copy of this order, failing which they will forfeit the right to initiate such disciplinary proceedings. In case such proceedings are initiated, the period of suspension and emoluments for that period shall be decided by the competent authority at the conclusion of those proceedings. In case the respondents do not initiate such proceedings within the time stipulated above, the respondents are directed to pay the applicant full pay and allowances for the period from 23.4.93 till the date of revocation of the suspension order, i.e., 4.1.94. It has to be mentioned that we found it necessary to pass this order, as the applicant is retiring on 31.1.94.

  
(B.S. HEGDE)  
MEMBER(J)

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(N.V. KRISHNAN)  
VICE-CHAIRMAN