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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.2616/93
M.A.No.8/94

New Delhi this the 17th Day of February, 1994.

Hon'ble Sh. J.P. Sharma, Member (J)
Hon'ble Sh. B.N. Dhoundiyal, Member (A)

Sh. Nanak Chand Tekwani,
Assistant Legislative Counsel,
Legislative Department,
Ministry of Law & Justice,
New Delhi-1. Petitioner

(Sh. Rakesh Kr. Singh, proxy counsel for
Sh. A.K. Singh, counsel for the petitioner)

versus

1. Union of India,
through the Secretary,
Legislative Department,
Ministry of Law & Justice,
New Delhi-1.
2. Sh. K.L. Mohanpuria,
Secretary,
Legislative Department,
Ministry of Law & Justice and CA,
Shastri Bhavan,
New Delhi-1.
3. Deputy Secretary (Admn.),
Ministry of Human Resource Development,
Department of Youth Affairs and Sports,
Shastri Bhavan,
New Delhi-1. Respondents

(By advocate Sh. N.S. Mehta, Sr. Standing Counsel)

ORDER (ORAL)
delivered by Hon'ble Sh. J.P. Sharma, Member (J)

The applicant is working as Assistant Legislative Counsel in the Legislative Department of the Ministry of Law, Justice and Company Affairs, Govt. of India, New Delhi. He has assailed the order of suspension dt. 21.10.1993 whereby an order, and in the name of the President, the applicant was put under suspension pending a disciplinary enquiry under Rule 14 of the CCS (CCA) Rules, 1965. The learned counsel for the

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respondents opposes the admission of the case. On the earlier hearing, the Bench also directd the respondents to produce the departmental file pertaining to the relevant orders initiating departmental enquiry and also putting him under suspension. That file has come up before us and we have perused the same.

The learned counsel for the applicant exhaustively dealt with certain antecedents relating to the present order of suspension. However, the present application is confined only to the fact whether during the pendency of the disciplinary enquiry and in case when chargesheet has already been served upon the applicant, he can be suspended or not. Rule 10(1) of the CCS(CCA), Rules give such power to the competent authority or subordinate to him. Thus, the respondents ^{de} _{not} exceeded their limit in passing the aforesaid order.

The learned counsel for the applicant has also argued that the present order of suspension has not been passed by the competent authority. Going through the departmental file, we find that the order was passed by the Secretary and subsequently it has been got approved by the Minister incharge. The chargesheet has already been issued. We do not find any irregularity or illegality in passing the order of suspension.

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The learned counsel for the applicant has placed reliance on a decision of Karnataka High Court in the case of Inayathulla S. Vs. Deputy Conservator of Forests Chickmagalur & Another reported in 1982(2) Karnataka Law Journal P.432 has considered a matter of suspension. There the point was raised that the Conservator of Forests, is neither an authority empowered to appoint Range Forest Officer nor is empowered by the State Government to exercise the power under Rule 10(1) of the Karnataka Civil Service (Classification Control and Appeal) Rules, 1957. The facts of that case, therefore, cannot in any case be applied to the present case where we find that the order has been passed by the competent authority and has been subsequently approved by the appointing authority as is evident from the departmental file placed before us.

The respondents have also placed a copy of the counter on record. However, we only consider the point of suspension. We find that the court cannot interfere in the order of suspension as held by the Hon'ble Supreme Court in the case of U.P.Rajya Krishi Utpadan Mandi Parishad & Ors. Vs. Sanjiv Rajan reported in JT 1993(2) SC 550.

The applicant has also prayed for certain other reliefs that he should be provided police protection, No objection certificate for applying for ordinary passport and permission to

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study the course of Certificate of Proficiency in Russian from the University of Delhi (South Campus). Firstly this case is barred by multiplicity of reliefs. If the applicant has any cause of action for not being allowed to join the Certificate of Proficiency in Russian, he can assail it in the separate application. As regards no objection certificate is concerned, till the departmental proceedings are in progress, the same cannot be considered even by the respondents.

The application is, therefore, dismissed as devoid of merit at the admission stage itself. The parties will have to bear their own costs.

The departmental file produced today is being returned to the learned Sr. Standing Counsel for the respondents.

B.N. Dhoundiyal
(B.N. Dhoundiyal)

Member (A)

J.P. Sharma
(J.P. Sharma)

Member (J)

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