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Reserved Order

Central Administrative Tribunal, Allahabad.

Registration O.A.No.1191 of 1987

R.K.Kanojia

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Applicant

Vs.

Council of Scientific & Industrial
Research and others

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Respondents

Hon.Ajay Johri, AM
Hon.G.S.Sharma, JM

(By Hon.G.S.Sharma, JM)

In this petition u/s.19 of the Administrative Tribunals Act XIII of 1985 the applicant has challenged his order of suspension made on 28.8.1987 in contemplation of a disciplinary proceeding and for quashing the charge sheet dated 6.10.1987 issued to him for certain misconduct. He has also sought a direction to the inquiry officer- respondent no.4 not to proceed with the inquiry. It is alleged that the applicant is a Sr.Technician working under respondent no.1 and its Director at Lucknow- respondent no.3 is out to harass the applicant due to personal reasons and the applicant was wrongly transferred from Kanpur to Lucknow and was wrongly treated as absent from duty and for this he was placed under suspension and the respondent no.4 was appointed the inquiry officer. All these acts of the respondents are contrary to law and have been done with a malafide intention and the representation made by the applicant against his suspension did not bear any fruit.

2. It appears from the allegations made in the petition that even once before, the applicant was proceeded departmentally and was awarded punishment in 1987 and his departmental appeal is pending. Against his suspension, he has not filed any statutory appeal which is ^{provided under rule 1} ~~against~~ rules. From the facts stated in the petition and the documents annexed it does not appear that the action taken against the applicant is illegal or without jurisdiction. This Tribunal will, therefore, not interfere in the matter of the disciplinary proceedings and as the departmental remedy of filing appeal against

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the suspension has not been exhausted, his this petition is not maintainable.

3. The petition is accordingly dismissed at admission stage.

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MEMBER(J)

Dated: 16th Aug.1988
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MEMBER(A)