

AS (S)

Central Administrative Tribunal, Allahabad.

Registration O.A.No.1082 of 1987

Bansidhar Singh ... Applicant

Vs.

Union of India and others ... Respondents.

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

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

In this petition under Section 19 of the Administrative Tribunals Act XIII of 1985, the applicant has challenged the validity of his suspension order dated 4.2.1987 and has prayed that the suspension order as well as the entire disciplinary proceedings initiated against him be quashed.

2. A notice was issued to the respondents to show cause as to why the petition be not admitted. The respondents have filed their reply and on the question of maintainability it is alleged that the petition having been filed beyond the prescribed period is liable to be dismissed. It has also been pleaded that the disciplinary proceedings initiated against the applicant have been finalised.

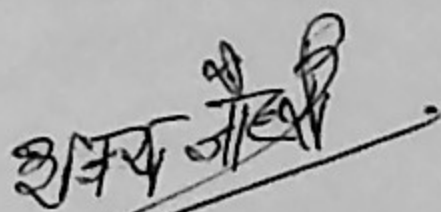
3. We have heard the learned counsel for the parties on the maintainability of this petition. The applicant was placed under suspension on 4.2.1987 in contemplation of disciplinary proceedings. The charge sheet dated 24.2.1987 was thereafter served on him. The present petition was filed by him on 12.11.1987. An order of suspension is an appealable order but before approaching this Tribunal, he did not make any appeal against his suspension. He is shown to have sent a representation against his suspension on 13.8.1987 but even after that he did not wait for 6 months before filing this petition. Thus, so far as the relief

(A/B) (Y)

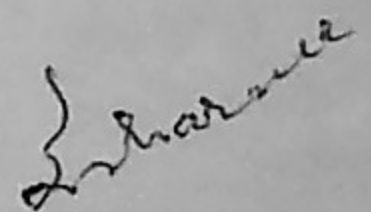
.2.

regarding suspension is concerned, it is premature. So far as the other relief for quashing the disciplinary proceedings is concerned, it too appears to be premature. No such illegality or lack of jurisdiction has been shown on the part of the authority placing the applicant under suspension and initiating the disciplinary proceedings against him. The Tribunal ordinarily does not entertain any petition in such matters before a final order is passed. In the instant case, it is alleged that the disciplinary proceedings against the applicant has already been finalised. He will, therefore, have a right to approach this Tribunal challenging the suspension as well as the punishment if any, awarded to him in accordance with rules at the appropriate time. We, therefore, do not find it to be a fit case for adjudication.

4. The petition is accordingly dismissed at admission stage without any order as to costs.



MEMBER (A)



MEMBER (J)

Dated: 15th April, 1988
kkb