

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD BENCH) ALLAHABAD.

C.A. NO.
FA. NO.

1818/92

OF 199

Date of decision 212/93

..... V. H. Malviya Petitioner

..... S. A. K. Sinha Advocate for the petitioner

Versus

..... U. O. 2 others Respondent

..... Advocate for the Respondents

xxxxxxxxxxxx

CORAM :-

The Hon'ble Mr.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the judgment
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?

Signature

NAQVI/

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

O.A. No. 1818/92

V.N. Malviya

..

Applicant

Vs.

Union of India & others

...

Respondents

Hon. Mr. K. Obayya, A.M.
Hon. Mr. A.K. Sinha, J.M.

(By Hon. Mr. K. Obayya, A.M.)

1. In this application the applicant has sought a direction to the respondents to revoke the suspension order dated 25.8.88 (Annexure-A1) and also to complete the departmental proceedings pending against the applicant within the time to be stipulated.
2. We have heard the Learned Counsel for the applicant Shri A.K. Sinha. Briefly the facts are that the applicant who is ~~xx~~ employed in the Northern Railway as Sr. Section Officer Accounts Branch was placed under suspension vide order dated 25.8.88. Thereafter a charge-sheet was served upon him on 16.9.88 for imposition of major punishment. The applicant requested for inspection of documents and also proposed the name of his defence helper. But the applicant was informed on 14.10.88 that it has been decided by the competent authority that the disciplinary proceedings will be held in abeyance till further orders. As the matter was not making any progress, the applicant made a representation for revocation of the suspension order. The representation was rejected on 17.11.88. Consequently, the suspension order of the applicant is con

the suspension order of the applicant is continuing.

3. It would appear that the applicant was charged for acts of commission and omission resulting in misappropriation of Government money to the extent of Rs. 2.90 lakhs and that he failed to exercise proper check resulting in loss of Government money to the tune of Rs. 20,000/-, and also signed a bill for Rs. 4.66 lakhs in violation of the powers delegated to him and acting beyond his competency. However, by order dated 14.10.88, the disciplinary proceedings have been kept in abeyance by the respondents. It would also appear that the applicant was intimated that his case for revocation for suspension is not possible as he is admittedly involved in a criminal case and the investigation is in advanced stage.

4. From the averments, it is noticed that simultaneously criminal action as also disciplinary proceedings have been initiated against the applicant. We do not see that there is any flaw in this. But however, the applicant has been kept under suspension since 25.8.88 and a charge-sheet was also issued on 16.9.88. As there were specific charges against the applicant, we do not see any reason as to why the disciplinary proceedings can not be completed. Perhaps the respondents are awaiting the verdict in the criminal case. But no charge-sheet has been filed as yet in the criminal case and the respondents have stated that the matter is at an advanced stage of investigation.

5. In these circumstances, we consider that continuance of the suspension of the applicant for

unduly long period without any action being taken either to complete the disciplinary proceedings or the criminal case is not justified, as it would amount to infliction of suffering and hardship and denial of other service benefits which may otherwise accrue to the applicant. A disciplinary proceeding can be initiated, even if same or similar matter is pending trial in a criminal case. But mere pendency of a criminal case is no bar for completion of disciplinary proceedings, more so, when the charged person is kept under suspension. For these reasons, we direct the respondents to complete the disciplinary proceedings within a period of 4 months from the date of receipt of a copy of this order. The applicant shall co-operate with the respondents for early and expeditious conclusion of the disciplinary matter; in case the disciplinary proceedings is not completed with the time stipulated for reasons not attributable to the applicant, the suspension order shall cease to be in operation and the applicant is deemed to be in service, entitled for pay and allowances, which he would be entitled to in the event of revocation of the suspension order.

6. The application is disposed of with the directions as above at the admission stage itself. No order as to the costs.

Ashok Kumar Dutta
Member (J)

2/2/93,

G. Singh
Member (A)

Allahabad
dt. 2-2-1993.
/smc/