

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Dated: 1.3.95

Original Application No: 1040 of 1992

Gomti Prasad, S/O Sri Madhuban
R/O Sanjai Nagar, Post Udyog Nagar,
Govind Nagar,
Kanpur

..... Applicant.

By Advocate Shri G.K.Khanna
Shri G.P.Agarwal

Versus

The Union of India & Ors.

..... Respondents.

By Advocate Shri A.Sthalekar

C O R A M

Hon'ble Mr. T.L.Verma, Member-J
Hon'ble Mr. K.Muthukumar, Member-A

O R D E R

By Hon'ble Mr. T.L.Verma, Member-J

This application has been filed for
quashing order dated 12.3.1991 (Annexure-1)
whereby the applicant has been suspended and
for issuing a direction to treat the applicant
in continuous service and pay his salary and
other allowances as per the entitlement regularly.

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2. The applicant was, on the relevant date, working as Upper Division Clerk/C.T.R. He was put under suspension by order dated 12.3.1991 (Annexure-1) on the allegation that he had identified signatures on 6 L.T.C. bill which resulted in fake payment of Rs. 45,260/- to someone else in place of actual ^{claimant's} payments. Chargememo was issued under letter No. 1210/CO/MP/VIG/NIE/37 dated 22.10.1991. The applicant submitted a representation on 13.6.1991 for revoking his suspension (Annexure-3). He, thereafter, submitted his written statement of defence in reply to the chargesheet dated 4.11.91.

The grievance of the applicant is that despite his repeated request to start departmental inquiry, there has been absolutely no progress in the conduct of the inquiry. The applicant, therefore, made a request to the respondents to reinstate him as the delay in disposal of the inquiry has been on their part. Since the respondents have neither started the inquiry nor reinstated the applicant after revoking his suspension, this application has been filed for the reliefs mentioned above.

3. The claim of the applicant has been resisted by the respondents.

4. It has been stated in the written reply filed on behalf of the respondents that due to some administrative difficulties, the inquiry could not start earlier though Inquiry Officer was appointed on 6.3.1992 and that the inquiry is likely to start shortly. This written reply was filed on 15.1.93. Counsel for neither party informed us of the present stage of the inquiry, we, therefore, presume that the inquiry has not finally been disposed of.

5. It is well settled that ordinarily the Courts do not interfere with orders of suspension ~~passed~~ passed in contemplation of disciplinary proceeding, unless they are passed malafide and ~~xx~~ without there being prima facie evidence on record connecting the employee with the mis-conduct. In the instant case, no allegation of malafide has been made. There is no material to show that the applicant is not connected with the misconduct alleged. The chargememo for initiating disciplinary proceeding against the applicant has been served. ~~xx~~ The applicant has also filed his written statement of defence on 3.11.91 denying the charges levelled against him. From the written reply filed on behalf of the respondents, it appears that subsistence allowance of the applicant has already been enhanced w.e.f. 18.9.92 by 50% of the amount which he was being paid. For these reasons, we are not inclined to interfere with the impugned order of suspension.

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6. There can be no denial of the fact that suspension of a Government employee cannot be allowed to last for unreasonably long period under the garb of disciplinary proceeding^{and this} has not been favoured by the Apex Court in a number of decisions. The applicant was put under suspension by order dated 12.3.1991. The applicant, thus, is under suspension for nearly 4 years. The period of suspension, thus, appears to be unreasonably long. In the facts and circumstances of the case, the respondents are under an obligation to dispose of the departmental proceeding ~~xxx~~ as expeditiously as possible.

7. In the facts and circumstances of the case, we dispose of this application with a direction ~~to the respondents~~ to complete the disciplinary proceeding against the applicant within a period of 3 months from the date of service of this order. The applicant is directed to co-operate with the inquiry officer so that the inquiry is completed within the appointed period. In case the disciplinary proceeding is not completed within the aforesaid period despite full cooperation of the delinquent employee, the suspension order shall stand revoked. No order as to costs.


Member-A


Member-J

/jw/