

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 207 of 1993

Moti Lal Applicants.

Versus

Union of India & others Respondents.

Hon'ble Mr. K.Obayya, Member-A

Hon'ble Mr. A.K.Sinha, Member-J

(BY Hon'ble Mr. A.K.Sinha, Member-J)

As the pleadings are complete, we have heard the counsels of the parties and with their consent, this application is being disposed of finally at the admission stage.

2. The applicant who is an Assistant in the National Research Centre for Agroforestry, Jhansi (ICAR Unit) has approached the Tribunal with a prayer that the order of suspension dated 16.1.93 (Annexure-1) be quashed and that the respondents be directed to treat the applicant continuing in service with entitlement of pay and other service benefits. There is also a prayer to restrain the respondents from evicting him from the occupation of the official Quarter. According to the applicant he was given charge of the Vehicles in addition to other duties. He reported to Secretary ICAR New Delhi about misuse of Vehicles on 25.12.1992 for which, the driver of the vehicle, one Kashi Ram was asked to give explanation. The petitioner alleges that the said Driver entered his room in drunken condition and assaulted and abused him. Consequently, the applicant was forced to lodge

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complaint against the driver to the police and there was also some enquiry by the police in this regard. The respondents should have been taken action against the driver, but they have proceeded to take action against him by keeping him under suspension. The impugned order is malafide, arbitrary and ~~colxxxxxxxexxxxxixxxpower~~ illegal and liable to be quashed.

3. The respondents have opposed the case by filing a counter, in which it is pointed out that there was a complaint by the Driver also of assault by the applicant. There was a preliminary enquiry on this and that the applicant has come up with one sided picture in his application.

4. We have heard the counsels of the parties. The learned counsel for the applicant argued at length pointing that how the applicant who tried to safeguard the interest of the Government has been penalised because he did not oblige some officers for use of the Government Vehicle for the purpose other than official trips and besides this Driver also has misbehaved with the applicant, but instead of taking action against him, the applicant is being harassed. May be this merits consideration, but the suspension order cannot be said to be a final order. The applicant has been kept under suspension in consideration of disciplinary proceedings. Chargesheet was not issued to the applicant because of pendency of the case in the Tribunal.

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5. Section 20 of the Administrative Tribunal Act 1985 specifically lays down that the Tribunal "shall not ordinarily" admit an application unless the applicant has availed of all the statutory remedies available to him under the service Rules. No doubt, the expression 'ordinarily' occurring in that section will indicate that the Tribunal has some discretion in the matter, but such discretion cannot be exercised in all cases and that has to be exercised in extraordinary situations. In this case, on considering the conspectus of facts and circumstances and hearing the learned counsels of the parties and after going through the various pleadings of the parties and relevant documents, we are of the view that no extraordinary situation has arisen calling for interference at this stage by this Tribunal.

6. In this case it cannot be said that the remedy by way of appeal is either onerous or not effective. What the Tribunal can do, Competent Authority can also do the same. Therefore, whatever relief the applicant could seek before this Tribunal can also be sought from the Appellate Authority referred to in Rule 23.

7. In that view of the matter, the impugned order being not clothed with finality, it is not possible for us to entertain this application as Section 20 of the Act is considered to be a bar.

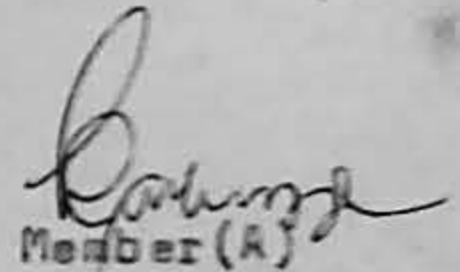
8. It is not for us to point out the law regarding expeditious consideration of

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disciplinary proceedings in cases where a delinquent is kept under suspension.

9. In the result, this application has got no merit and is accordingly dismissed. In the circumstances, there will be no order as to cost.

Ashok Kumar Singh.
Member (J)


Member (A)

Allahabad Dated:
12/4/93.
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