

15

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 7th day of November, 2000

Original Application No. 368 of 1993

CORAM :-

Hon'ble Mr. Rafiuddin, J.M.

Hon'ble S. Biswas, A.M.

Anjan Banerji

s/o Shri B.K. Banerji,

R/o Type IV/29, Central Excise and Income

Tax Colony, Laxman Bag, Nawab Ganj,

Kanpur.

(Sri RK Nigam, Advocate)

..... Applicant

Versus

1. Union of India through

Ministry of Finance, Department of

Revenue, New Delhi.

2. Collector, Central Excise,

Sarvodayal Nagar, Kanpur.

(Sri A. Tripathi, Advocate)

..... Respondents

ORDER (Oral)

By Hon'ble Mr. Rafiuddin, J.M.

Corrected under
date 7/12/2001
7/12/2001

The applicant while working as ~~Superintendent~~ Superintendent (Central Excise), Kanpur was placed under suspension vide order dated 29-1-1993 only two days before his date of retirement, which is 31-1-1993. By means of this OA the applicant has sought quashing of the suspension order dated 29-1-1993 (Annexure-A-1 to the OA). The case of the applicant is that the applicant has been placed under suspension illegally because no disciplinary proceeding was contemplated when the

7/12/2001

12

impugned order was passed. No charge sheet was served on him for any alleged misconduct. The impugned order is malafide and has been passed in colourable exercise of power. The respondents have illegally invoked Rule 10(1) CCS(CCA) Rules, 1965 and as a result of his suspension, he could not draw wages or subsistence allowance after his age of superannuation.

2. We have heard counsel for the parties and perused the record carefully.

3. It has been specifically pleaded by the respondents in their short OA that at the time of passing the impugned order the applicant was in service. The applicant was allegedly involved in a case in which loss of Rs.1.50 lacs accrued to the Government due to his negligence. It is further pointed out by the learned counsel for the respondents that in this case disciplinary proceedings were initiated against the applicant and vide order dated 15-5-1998 a copy of which has been filed today, the appellate authority, namely, Central Excise Collector, Kanpur had dropped the proceedings against the applicant, which were initiated vide order dated 20-11-1995. Considering this development in this case, we find that the OA of the applicant has become infructuous. If any retiral benefit has not been paid to the applicant on account of pendency of the disciplinary proceedings, the respondents are directed to pay the same within three months from the date of communication of this order. There shall be no order as to costs.

S. Dube / R. Arivazhagan
Member (A) Member (J)

Dube/