

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 1146 of 1994

P.N.Dubey Applicant.

Versus

Superintendent & Ors. Respondents.

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

Hon'ble Mr. S.Dayal , Member-A

(By Hon'ble Mr. T.L.Verma, J.M.)

The subject matter of challenge in this O.A. is order dated 21.10.1993 whereby the applicant has been put under suspension in contemplation of initiating departmental proceeding.

2. The applicant was working as Postal Assistant in the Head Post Office, Jaunpur at the relevant time. He has been put under suspension by respondent No. 1 by order dated 21-10-1993 (Annexure A-1). The relief claimed in the O.A. is that the suspension order be quashed and respondents be directed to allow duty to the applicant and pay full salary and allowances for the period of suspension.

3. The order of suspension passed by a competent authority in contemplation of initiating disciplinary proceeding being in the nature of interlocutory order is generally not interfered with by the Courts, unless it is found that on the basis of the facts contained that ~~no~~ no misconduct or other irregularity ~~alleged can be~~ is ~~said to have~~ made out or the charges contemplated are contrary to any law. The learned counsel for the applicant ~~also~~ urged that although more than 10 months

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have passed, ~~but~~ no chargesheet as yet has been served upon him and as such the order putting the applicant under suspension deserves to be quashed. It is true that the chargesheet should normally be served within 3 months ~~of the~~ from the date of suspension and the disciplinary proceeding be brought to a conclusion expeditiously. The scope of judicial review being very limited in matters of departmental inquiry in general and interlocutory order in particular, ~~we~~ are not inclined to interfere with the order of suspension at this stage. The learned counsel for the applicant has drawn our attention to the order passed by this Bench of the Tribunal in O.A. No. 445 of 1992 in a similar matter in which the respondents were directed to serve chargesheet and conclude the inquiry within ^a specified ~~xx~~ period.

4. We have given anxious consideration to the argument advanced by the learned counsel for the applicant and ^{re}garded the judgement and order of This Tribunal in O.A. No. 445/92.

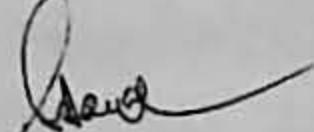
5. In view of the discussions made above, we dispose of this application at the admission stage itself with the following direction;

The respondents are directed to serve chargesheet on the applicant within 2 months from the date of receipt of the copy of this order calling upon the applicant to submit his Written Statement of defence within one month and thereafter, complete the inquiry within 3 months from the date of ~~xxxxx~~

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filing of the Written Statement. The applicant is directed to fully cooperate with the inquiry.

6. This application is disposed of at the admission stage itself with the above direction.



Member-A



Member-B

Allahabad Dated: 14.9.94

/jw/