

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Allahabad : This the 16th day of February, 1996.

ORIGINAL APPLICATION No. 905 of 1995

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

Hon'ble Mr D.S.Baweja, Member-A

Bishan Singh s/o Sri Data Ram
resident of Village Dakrawar Kalan,
Post Office Umahikala (Rampur)
District Saharanpur.

C/A Shri J.P.Gupta

. Applicant.

Versus

1. Union of India, through
Director General, Postal Services
New Delhi.
2. The Director Postal Services,
Dehradun Division, Dehradun.
3. Senior Superintendent of Post
Offices Saharanpur Division,
Saharanpur.

..... Respondents.

C/R Km. Sadhna Srivastava

ORDER

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

This application under section 19 of the A.T.Act has been filed for quashing order dated 1.11.1993, whereby the applicant has been put under suspension and for issuing a direction to the respondents to give to the applicant benefit of full pay and allowances for the period of suspension.

2. The applicant while working as postal Assistant at P.O. Rampura, District Saharanpur was suspended by the order dated 1.11.1993 passed by Sr. Supdt. Post Office,

Saharanpur in exercise of the power under Sub-Rule 1 of Rule 10 of CC & A 1965. The suspension order is said to have been passed in contemplation of the disciplinary proceedings against the applicant. Although more than 2 years have passed since the date of suspension, no charge sheet has been served upon the applicant. Hence, this application for the relief mentioned above on the ground that the order of suspension is arbitrary, malicious and without jurisdiction.

3. Respondents have resisted the claim of the applicant. In the written statement filed on behalf of the respondents, it has been stated that at the relevant time the applicant was posted as Sub-post Master, Parasar Kendra, Rampur. It is stated that respondent No. 3 visited the said office on 7.8.1973 and found the applicant absent from the office as a result the sub-post office remained closed and the work of the post office was suffering. The lock of the post office was opened in presence of two constables and on taking stock of the cash and stamps, it was found that a sum of Rs.29,641.40 P. was short. F.I.R. was lodged against the applicant at Rampur police station on the same day, ^{that he was} on the allegation/absconding after mis-appropriating government money. The applicant, it is stated return to his post on 31.10.1993. He was, thereafter put under suspension with effect from 1.11.1993. The applicant, it is stated, was arrested in connection with the criminal cases lodged against him and he remained in police custody from 24.6.1995 to 28.7.95. It has further been stated that in view of the contemplated disciplinary proceedings and criminal case pending against the applicant in the criminal court, it is not possible to reinstate the applicant.

4. We have heard the learned counsel for the parties and perused the records. From the pleadings and the annexures on the record, we are satisfied that a criminal case is pending

against the applicant on the allegation of committing criminal breach of trust. It is also absolutely clear that though the applicant was put under suspension in contemplation of the disciplinary proceedings, no proceedings has so far been initiated against him. The power of the court to interfere with the orders of suspension in exercise of the power of judicial review is very limited. The courts can come in aid of a suspended employee only when it is satisfied that the suspension is without justification. The court are not expected to interfere with an order which is interlocutory in nature. In the instant case, we have seen from the materials on record that a criminal case for criminal breach of trust is pending against the applicant in the criminal court. The respondents contemplate to initiate disciplinary proceedings against the applicant for his alleged commission and omission. In this view of the matter, the suspension of the applicant can not be said to be unjustified. The competent authority has no doubt power to suspend a delinquent employee in contemplation of disciplinary proceedings this power, however, does not extend to keeping the employee under suspension, without initiating disciplinary proceedings, for an indefinite period.

5. In the facts and circumstances discussed above, we do not find it to be an appropriate case ^{warranting} ~~making~~ interference with the order of suspension by issuing direction as prayed for in this case. We, however, feel it appropriate that the respondents should be reminded of the necessity of expediting initiating of the disciplinary proceedings and bringing the same to an expeditious conclusion. The respondents are under the obligation to issue charge sheet within a period of 3 months ^{from the date of suspension} ~~from~~ as provided under the extant rules. The object of making such provision appears to be that the competent authority, having put the delinquent officer does not sit over the case without prompt follow up action.

6. In the facts and circumstances of the case discussed above at this stage a direction to the respondents to serve charge sheet on the applicant within a reasonable period and conclude the disciplinary proceedings as expeditiously as possible will serve the interest of justice.

7. In ~~the~~ view of the above, we dispose of this application with a direction to the respondents to serve a charge-sheet on the applicant within a period of 15 days from the date of communication of this order and complete the disciplinary proceedings within 6 months thereafter. In case charge-sheet is not ~~supplied~~^{served} within ^{the} period stipulated above, the order of suspension will automatically stand revoked. There will be no order as to costs.

Member-A

Member-J

(DL)