

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1485 of 2000

Allahabad this the 03rd day of April, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Moti Chandra, Son of Ram Vichar, resident of house no.116/52, Mohalla-Kesaw Nagar, District Kanpur Nagar.

By Advocate Shri P.K. Singh Applicant
Shri A.K. Yadav

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. General Manager, Ordnance Factory, Kalpi Road, Kanpur Nagar.

Respondents

By Advocate Shri R.C. Joshi.

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicant has come up seeking relief against the impugned order through which he has been suspended from the service. The main contention of the respondents is that the impugned order has not been passed after due exercise of discretion in this regard and without taking into consideration the real facts, ~~and~~ ^{for} the F.I.R. lodged by the applicant, and also the injuries ^{for} sustained by him have not been taken into ^{is not} consideration and therefore, this order/sustainable.

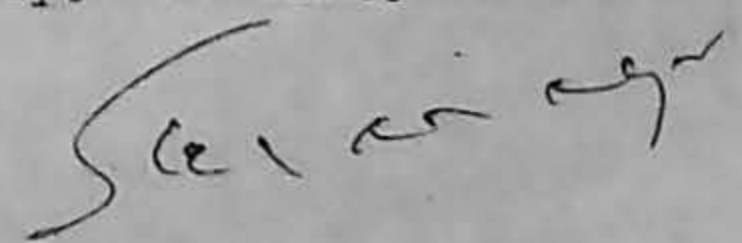
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See

2. Perusal of the impugned order dated 30.3.2000 goes to show that the applicant-Moti Chandra has been suspended w.e.f. 15.3.00 (f.n.) on the ground that he remained detained at Police Station, Kalyanpore on 15.3.00 and remained in jail custody from 7.00 p.m. on 17.3.00 to 8.00 p.m. on 22.3.00 when he was bailed out against a criminal offence, which is pending investigation. The impugned order has been passed in exercise of the power conferred by Sub-rule (2)(a) of Rule 10 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965.

3. From the above, I find no good ground to interfere with this impugned suspension order, which has been passed in pursuance of applicant's having remained detained in Jail custody for about six days. Shri R.C. Joshi, learned Senior Standing Counsel for the U.O.I. mentions that under the given circumstances, there could not be any other order except the decision taken by the Officer-in-Charge, Small Arms Factory, Kalpi Road, Kanpur through impugned order dated 30.3.00.

4. In view of the above facts and circumstances, I find no merit in the matter and the O.A. is dismissed in limine. However, it is directed that the departmental inquiry be concluded expeditiously. No cost.


Member (J)