

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.853 OF 2003
ALLAHABAD THIS THE 23RD DAY OF APRIL, 2004

HON'BLE MAJ GEN. .K.K. SRIVASTAVA, MEMBER -A
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

Umesh Chandra Pandey,
S/o Awadh Narain Pandey,
aged about 38 years,
R/o 102/6, Juhi Lal Colony, Kanpur Nagar.

..... Applicant

(By Advocate Sri O.P. Gupta)

Versus

1. Union of India,
through Secretary,
Ministry of Communications,
Govt. of India,
New Delhi.
2. Assist. Supdt. of Post Offices,
Kanpur (West) Sub-Div, Kanpur-208001.
3. Sr. Supdt. of Post Offices City Division,
Kanpur-1.

..... Respondents

(By Advocate Sri R.C. Joshi)

ORDER


HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

In this O.A. filed under section 19 of Administrative
Tribunals Act 1985, the applicant has challenged order dated
04.04.2003 (Annexure A-1) passed by respondent no.2 placing
the applicant under suspension and also the order dated
27.06.2003 (Annexure A-3) passed by respondent no.3 rejecting

the appeal of the applicant challenging the order of suspension, the applicant has prayed that both the above orders should be quashed and direction issued to the respondents to revoke the suspension and allow duty to the applicant and pay him salary regularly on each month.

2. The facts, in short, are that the applicant is working as Postman in Naveen Nagar Post Office at Kanpur. While working as Postman he was dismissed from service on 26.07.2000 without any enquiry on account of false F.I.R. On his review petition to Member(P) Postal Services Board, New Delhi he was reinstated in service on 13.02.2002. Thereafter on a different issue he has been placed under suspension vide impugned order dated 04.04.2003. The applicant has been served with a charge sheet dated 12.05.2003. He filed an appeal before respondent no.3 who rejected the same vide order dated 27.06.2003 holding that there was no justification for any interference as regards suspension etc. Hence this O.A. which has been contested by the respondents.


3. Shri O.P. Gupta, learned counsel for the applicant submitted that 1st and 4th charges on the applicant pertain to concealment of his arrest for individual advantage and second and third charges are with regard to a newspaper cutting published in May 2001. The learned counsel for the applicant inviting my attention to Annexure A-7 submitted that there is no concealment on the part of the applicant. Not only this in spite of the fact that the chargesheet was served on 12.5.2003 neither the suspension has been revoked nor the enquiry in the matter has been started. Thus, the applicant is subjected to tremendous amount of humiliation alongwith the mental tension which he undergoes everyday. Therefore, the order of suspension is liable to be quashed.



4. The learned counsel for the respondents opposing the claim of the applicant on the other hand submitted that the charges against the applicant are grave and they do not call for any interference by the court at this stage. The learned counsel for the respondents further submitted that suspension is not a punishment and the applicant should be ready to face the disciplinary proceedings.


5. Heard counsel for the parties, considered their submissions and perused records.

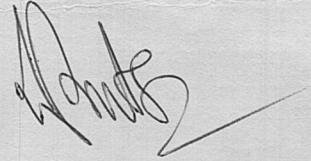
6. While I agree entirely with the respondent's counsel yet I would like to observe that suspension causes ^{lot} of humiliation and harassment to ^{any} Government employee. The respondents are not able to justify their action in not starting the enquiry so far though more than 11 months have passed when the chargesheet dated 12.05.2003 was served. Obviously it appears that after suspending the applicant respondent no.2 is sleeping over the matter. There is no reasons to justify ^{his} action on the part of respondent no.3 who failed in finalising the disciplinary proceedings even in more than 11 months. As per the digest on suspension issued by Swamy publications, Rule 13 requires review of suspension. Nowhere in the CA it has been stated that the respondents did review the suspension of the applicant. ^{hence} therefore, ^{we} consider it appropriate to direct respondent no.3 i.e. Senior Superintendent Post Offices, City Division, Kanpur-I to review suspension of the applicant in the light of Rule 13.3 of the digest and pass appropriate order within a period of one month. ^{hence} I would like to record here that the respondent no.2 has failed in his duties in not finalising the disciplinary proceedings even within one year which certainly, from no Administrative standard, can be appreciated. ^{hence} therefore,



direct respondent no.2 to ensure that the disciplinary proceedings are completed within a period of four months from the date the order of this Tribunal is filed before him by passing appropriate orders as per law, besides reviewing the suspension of the applicant.

7. There shall be no order as to costs.


Member-J


Member-A

/Neelam/