

Cop of Op. 453/2006

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OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Allahabad, this the 26th day of April, 2006.

Hon'ble Mr. Justice Khem Karan, Vice-Chairman
Hon'ble Mr. A.K. Singh, Member (A)

Original Application No.451 of 2006.

Manish Kumar S/o Ramjeet Ram,
Tailor Sami Skilled under General Manager
Ordinance Parachute Factory, Kanpur.

Alongwith

Original Application No.452 of 2006.

Sanjay Kumar Gaur, S/o Sri Ram Jag Gaur,
Tailor, Semi-skilled under General Manager,
Ordinance Parachute Factory, Kanpur.

And

✓ Original Application No.453 of 2006.

Naveen Kumar S/o Ram Jet Ram, Tailor,
Semi-Skilled under General Manager,
Ordinance Parachute Factory, Kanpur.

...Applicants.

(Counsel for the applicants : Shri Sajnu Ram)

Versus

1. Director General of Ordinance Factory Board
Khudi Ram Bose Road, Kolkata.
2. General Manager, Ordinance Parachute
Factory, Kanpur.
3. Joint General Manager/Administration,
Ordinance Parachute Factory, Kanpur.
4. Union of India through Secretary,
Ministry of Defence, South block,
New Delhi.

...Respondents.

(Counsel for the respondents : Shri S. Singh/Shri
A. Mohiley)

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By Hon'ble Mr. Justice Khem Karan, V.C. :

Heard the parties counsel in all these three OAs. Also perused the contents of OAs and the papers annexed therewith. The applicants have prayed that the respective orders dated 27.10.2005 by which they have been placed under suspension, as well as the respective charge sheets dated 23.11.2005, be quashed and they be reinstated in service with all consequential benefits.

2. The facts relevant for our purposes at this stage are that earlier the services of the applicants were terminated against which they filed O.As under Section 19 of Central Administrative Tribunal Act, 1985 and pursuant to interim orders of this Tribunal, the authority concerned revoked those termination orders. Thereafter, the Disciplinary Authority initiated formal disciplinary proceedings, in the context of the same matter and placed all these three applicants under suspension. Those O.As, were ultimately dismissed as infructuous vide order dated 27.3.2006 of this Tribunal, with liberty to the applicants to challenge that suspension and charge sheets by bringing separate action, if they so liked. The charge against them is that they secured appointment on the basis of forged certificate. Now they have filed these O.As for quashing respective suspension orders and the charge sheets.

3. Relying on H.L.Mehra Vs. Union of India and Others AIR 1974 SC 1281, Shri Sajnu Ram has contended that after the authority concerned revoked termination order, pursuant to interim orders of this Tribunal, it could not have,



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initiated formal disciplinary proceeding and could not have placed the applicants under suspension, pending enquiry. He has read out paras 6,7 and 8 of the said judicial pronouncement so as to convince us that initiation of formal disciplinary proceedings, in the circumstances is wholly unjustified and impermissible in law.

4. We find it difficult to accept the proposition advanced by Shri Ram firstly, the ratio of the said judicial pronouncement is different. There the question for consideration of their Lordship was whether suspension of Govt. employee, during the pendency of enquiry, would revive automatically with the setting aside of the dismissal. The answer was that unless the relevant rules did not provide otherwise, it would not, We⁵ fail to understand as to how the said judicial pronouncement helps the learned counsel for the applicant. We do not propose to enter into the correctness or otherwise of the charge, as that is for the authorities concerned to decide in accordance with rules. We cannot pre-empt their decisions.

5. We are of the view that these O.As are totally mis-conceived and deserve to be dismissed and are dismissed. No order as to costs. Let copies of these orders be placed on this record of all these three O.As. |

by
10/5/06sd/-
Amsd/-
VC