

Coram : Hon'ble Mr. P.H. Trivedi : Vice Chairman
Hon'ble Mr. P.M. Joshi : Judicial Member

12.11.1987

This case be posted on Monday i.e. 16th November, 1987
~~at~~ the request of the learned advocate Mrs. Sudha Gangwar
for the applicant. Mr. J.D. Ajmera learned advocate for the
respondent appears.


(P.H. Trivedi)
Vice Chairman


(P.M. Joshi)
Judicial Member

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Mrs. Gangwar learned advocate for the applicant ~~states that there is a~~ appears and ~~cites S.L.R. in which~~ cases decided on 22.5.1986 by C.A.T., Calcutta that "service of charge sheet has to be done within a specific period after communication of the order, otherwise the suspension order would become invalid". This judgment is based on the interpretation of Rule 3 - All India Services (Discipline and Appeal) Rules, 1969 which are not applicable in this case, the petitioner being a Central Government servant. In this case there are separate rules namely; Central Civil Service (Discipline & Appeal) Rules, 1965 in which there is no such provision. The petitioner had earlier filed an application/appeal against the impugned order which has not been disposed of by the appellate authority. The applicant was placed under suspension on 8.5.1987 and chargesheet was issued on 4th September, 1987. The petitioner has not exhausted his remedy. In the circumstances, the application is premature as the period of six months of the disposal of the appeal/petition filed in the 21st August, 1987 is not over. The application hence rejected.

Pravin
 (P.H. Trivedi)
 Vice Chairman

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 (P.M. Joshi)
 Judicial Member

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