

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 723/93
T.A. No.

DATE OF DECISION 5-1-1994

Shri P. Venu Petitioner

Party in Person Advocate for the Petitioner(s)

Versus

Union of India and Others Respondent

Shri Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B. Patel Vice Chairman

The Hon'ble Mr. K. Ramamoorthy Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Na

P.Venu (Party in Person)
No.2, Paritosh Society
Near Ghogha Jakat Naka,
Bhavnagar 364 001.

Applicant

Versus

Union of India
represented by the
Joint Secretary and
Chief Vigilance Officer
Ministry of Industry
Departmental of Industrial
Development, Udyog Bhavan,
New Delhi.

Respondent.

Advocate Shri Akil Kureshi

O R A L J U D G E M E N T

In

O.A. 723 of 1993

Date: 5-1-1994.

Per Hon'ble Shri N.B. Patel

Vice Chairman.

On being furnished a copy of the O.A.,
Mr. Kureshi waives service. Heard applicant and Mr. Kureshi.

The applicant, who is facing the departmental inquiry and who is placed under suspension by an order dated 9-7-1993 stated to have been served to him on 27-7-1993 on the ground that that suspension order has ceased to exist in view of serving on him another charge-sheet dated 21-9-1993 wherein, apart from the charge mentioned in the earlier charge-sheet, some other charges have also been levelled against the applicant. The applicant also challenges the suspension order on the ground that, at the time of serving him with the second charge-sheet, the earlier suspension order is not specifically kept

subsisting. The applicant has rushed to the Tribunal without challenging the suspension order before the departmental authorities by preferring an appeal against the same. The present application is, therefore, premature and is liable to be rejected on that ground. The applicant states that if he now appeals against the suspension order dated 9-7-1993, served on 27-7-1993, his appeal might be rejected on the ground of being time-barred. We do not see any basis for this apprehension on the part of the applicant since one of the grounds on which the suspension order is challenged by the applicant is that it has come to an end on the second charge-sheet being furnished to him in "substitution" of the first charge-sheet. Even then, we direct the respondents not to reject the appeal, that may be filed by the applicant, on the technical ground of the said appeal being time-barred. The applicant, if he so desires, may prefer a departmental appeal against the suspension order within seven days hereof and, if the applicant prefers appeal within the said stipulated period, the respondents are directed to entertain the appeal and dispose it of ~~on merits~~ within five weeks of the receipt of the appeal by them. If the applicant is aggrieved by the decision that may be taken in the appeal to be preferred by him, it will be open to him to challenge the decision in accordance

with law.

2. In view of the aforesaid directions, the applicant seeks permission to withdraw the O.A. Permission granted with liberty to the applicant to take legal steps in the matter if he is aggrieved by the order that may be passed in the appeal to be preferred by him. O.A. stands disposed of as withdrawn.

3. A copy of this order may be furnished to Mr. Kureshi today so that he may forward the same to the concerned respondent(s).

R
(K. Ramamoorthy)
Member (A)

V
(N.B. Patel)
Vice Chairman.

*AS.