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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 154 OF 1991

Date of decision: August, 12, 1993

Shri Indrajit Gouda ... Applicant

-Versus-

Union of India & others ... Respondents

(For Instructions)

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not?

H. Rajendra Prasad
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

12 Aug 93

K. P. Acharya
(K. P. ACHARYA)
VICE CHAIRMAN
12.8.93

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ORIGINAL APPLICATION NO:154 OF 1991

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Union of India & Others ... Respondents

For the Applicant ... Mr. B. Nayak, Advocate

For the Respondents ... Mr. Ashok Misra,
Senior Standing Counsel
(Central).

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C O R A M S - -

THE HONOURABLE MR. K. P. ACHARYA, VICE CHAIRMAN

A N D

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (AD)

J U D G M E N T

K. P. ACHARYA, V.C. In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to cancel the order of suspension passed against him and to quash the disciplinary proceeding.

2. Shortly stated the case of the petitioner is that he is a Steno Grade III attached to the office of the Executive Engineer Central Water Commission. The petitioner was placed under suspension on a contemplated proceeding with effect

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from 7th May, 1991. Chargesheet was delivered to the petitioner on 23rd May, 1991. The allegation against the petitioner is that he had submitted a representation to his higher authority alleging and naming certain persons to have been threatening him to do away with his life and therefore, he had prayed for protection. Hence this application has been filed with the aforesaid prayer.

3. In their counter, the Opposite parties maintained that since there was grave allegation against the petitioner he was rightly placed under suspension and very rightly a disciplinary proceeding was initiated against him. Hence it is further maintained by the Opposite Parties that the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. B. Nayak learned counsel appearing for the petitioner and Mr. Ashok Misra learned Senior Standing Counsel (Central) appearing for the Opposite Parties. We have also perused the charges copy of which has been filed ^{mt.} _{in} this court today by the learned counsel for the Petitioner Mr. Nayak. No reasons have been assigned in the counter as to why the proceeding is pending since 1991. It was told to us by Mr. Ashok Misra learned Senior Standing Counsel (Central) that the opposite parties carry an impression that an interim order has been issued restraining them to proceed with the enquiry. We do

not find any such order on record. The Opposite Parties should not have allowed themselves to be swayed away with this impression. It is the cardinal duty of ~~an~~ employer to dispose of the disciplinary proceeding against its employee at ^{opportunity} the earliest possible ~~time~~ instead of making the ~~D~~emocles' sword to hang on him for a very long time. This is against ~~the~~ canons of Justice, Equity and Fairplay. We are surprised to note the ~~delatorious~~ method adopted by the concerned authority which we cannot appreciate - rather would be deprecated. Ministry of Personnel has issued circular/circulars indicating that disciplinary proceeding should be expeditiously disposed of. Here is a case in ~~not~~ which directions of the Ministry have/been followed. However, keeping in view the nature of the ~~charge~~ framed against the petitioner, which does not at all make out a case of misconduct on the part of the petitioner, and in view of the fact that the proceeding is pending since 1991 and the petitioner has been languishing under suspension, we do not deem it fit and proper to either allow the suspension order to continue or the disciplinary proceeding to continue. Hence both the disciplinary proceeding and the suspension order are hereby quashed and it is directed that the petitioner should be forthwith remitted into ~~service~~ ^{service}.

be reinstated into service within 7 days from the date of receipt of a copy of the judgment entitling him to full pay and allowances from the date on which he was placed, under suspension. The amount be calculated and paid to him within 30 days from the date of receipt of a copy of the judgment less the subsistence allowance if already paid to the petitioner.

5. Thus, the application stands allowed leaving the parties to bear their own costs.

..... MEMBER (ADMINISTRATIVE) 12 AUG 93

L. M. D.
12.8.93
.....
(VICE-CHAIRMAN)

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty/
12th August, 1993.