

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Rejoinder not
filed.

In banc under
Regd.

Dt. 28.11.2003

Rejoinder filed
and copy served on the
opposite side. Pleadings
are therefore complete.
List this case before
bench for final
hearing on 2.12.03.

REGISTRAR

for Admittance
Hearing.

Bench

On. Dr. 2-12-03

for Admittance a
final disposal

Order dt. 7.1.04.

Call this matter
on 21.1.04.

*l/b/s
Vice-Chairman*

Order dated 21.01.04.

by Mr. A.R.Das Q. Counsel for
the applicant and Mr. A.K.Bose S.
Standing Counsel are on accommodation.
On the circumstances, adjourned to
04.02.04.

*l/b/s
Vice-Chairman*

Order dated 20.2.2004

Heard the learned counsel for the
applicant and Shri A.K.Bose, learned Senior
Standing Counsel appearing for the Respondents
and perused the materials placed before me.

In this O.A. the applicant has prayed
for quashing the order of suspension dated
9.12.2002 (Annexure-5) and to direct the
Respondents to reinstate him in service with
all consequential service benefits by treating
the period of suspension as duty. In the O.A.
no ground has been adduced to prove that he
was placed under suspension in violation
of existing rules/instructions on the subject
by the Respondents. He has vaguely mentioned
that [redacted] Rule-14 of CCA(CCS)Rules provides
that where a Govt.servant is put under suspension
in contemplation of disciplinary proceedings,

On. Dr. 10.12.03

for Admittance a
final disposal

Bench

l/b/s

NOTES OF THE REGISTRY

OA. 267/3

ORDERS OF THE TRIBUNAL

Dr. 21.12.03

for Admission &
final disposal.

Bench

Dr. 24.12.03

for Admission &
final disposal.

Bench

Dr. 21.1.04

for Admission &
final disposal

Bench

Dr. 21.1.04

for Admission &
final disposal.

Bench

show cause notice has to be served asking him as to why the proceedings for any alleged offences shall not be initiated against him.

Shri A.K.Bose, learned Sr.Standing Counsel submitted that the applicant was charge-sheeted on 19.5.2003, which he had returned with comment that the same should be issued to him in Hindi version, which was also later on done and the charge-sheet was finally served on him by Regd.Post on 21.6.2003.

The charge levelled against the applicant is based on an allegation made by one of the female colleagues of his that he had harrassed her sexually and that the matter has been enquired into by the authorities of the Institute by setting up a fact finding committee. The said committee, in its report made a prima facie case confirming the allegation made by the female colleague of the applicant and it is in this background, as a follow up action, the Respondents framed charges against the applicant and served the same on him, as stated earlier, on 21.6.2003. In that view of the matter, there is hardly any scope for judicial intervention.

Having regard to the facts and

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Mr. Jr. 20-2.04

Copies in order
prepared for Council
for both sides.

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circumstances of the case and the position of law in this matter, I hereby dispose of this O.A. by directing the Respondents that the continued suspension of the applicant should be reviewed periodically in terms of Rule-10(5) of CCA(CCS) Rules, 1965, in the interest of fairness and justice. No costs.

VICE-CHAIRMAN