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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.18 OF 2003
Cuttack, this the 31st day of March, 2003.

Radhanath Sahu.

....

Applicant.

-Versus-

Union of India & Others.

....

Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

31.03.03

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.18 OF 2003
Cuttack, this the 31st day of March, 2003

C O R A M

THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER(JUDICIAL).

....

Radhanath Sahu, aged about 45 years,
S/o Dayanidhi Sahu, Ex-L.D.C., M.I.T.I.
Choudwar, Dist. Cuttack, present UDC, A.T.I.,
Dasnagar, Howrah, West Bengal.

.... Applicant.

By legal practitioner: Mr. B.S. Tripathy, -I, Advocate.

-Versus-

1. Union of India represented by the Ministry of Labour, Directorate General of Employment and Training, New Delhi-110 001.
2. Director General/Joint Secretary to Govt. of India, Directorate General of Employment and Training, New Delhi-110 001.
3. The Regional Director, R.D.A.T., Salt Lake, Kolkata-700064.
4. Sri J. Joy Prakash, V.I., M.I.T.I. Choudwar, Dist. Cuttack.

.... Respondents.

By legal practitioner: Mr. A.K. Bose, Senior Standing Counsel.

O R D E R

MR. MANORANJAN MOHANTY, MEMBER(JUDICIAL) :-

In this Original Application under section 19
the Applicant
of the Administrative Tribunals Act, 1985/has challenged
his
the order of suspension dated 24th December, 2002 (under
Annexure-5) on the ground that the same being highly illegal,
arbitrary, unjust and mala fide.

Brief history of the case is that while the
Applicant was continuing as Lower Division Clerk in M.I.T.I.,

Choudwar/Cuttack/Orissa (on the basis of an anonymous petition disclosing demand of illegal gratification by him from one Sri J.Joy Prakash, Respondent No.4, who was duly selected for appointment as Vocational Instructor in M.I.T.I., Choudwar) a fact finding preliminary enquiry was conducted as against the Applicant (and the Principal of the said Institute, Sri Ishwar Sharan Katahra) and the Applicant had been placed under suspension, after his transfer to A.T.I., Dasnagar/Howrah/West Bengal.

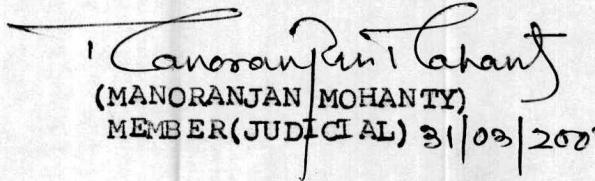
2. Respondents have filed their counter internalia stating that this Original Application is not maintainable being premature one. It has been further submitted by the Respondents that since a *prima facie* case has been found out as against the applicant, during the preliminary enquiry, the authorities having power to place him under suspension under sub-rule-1 of Rule-10 of the CCS(CCA) Rules, 1965 have placed him under suspension and that, there was nothing wrong in the order of suspension of the Applicant. Further it has been submitted that suspension is not a punishment and it is an incident of service and, as such, this Tribunal should not interfere in the order of suspension.

3. I have heard Mr.B.S.Tripathy, Learned Counsel appearing for the Applicant and Mr.Anup K.Bose, Learned Senior Standing Counsel appearing for the Respondents and perused the records and citations relied upon by the Learned Counsel for the Applicant during the argument.

On merit, I find that this case is to be covered by the order rendered in the case of Ishwar Sharan Kata Raha Vs. Union of India and others (Original Application No.4/2003 decided on 31.3.2003) and, therefore, for the reasons discussed in the said order/judgment, I am not inclined to interfere with the impugned order(of suspension)of this case at this stage.

4. It is worthwhile to mention here that the impugned order of suspension was passed on 24.12.2002. The Applicant who was continuing as L.D.C. in M.I.T.I., Choudwar, faced a promotion on 13.12.2002. It has been stated by the Respondents in their counter that as the Applicant was a field staff, the Respondents subsequently modified the order on 16.01.2003 (under Annexure-R/9) and, the headquarters of the Applicant has been fixed at 'Howrah' (West Bengal) instead of 'Cuttack'(Orissa) .As the Applicant has gone on transfer to West Bengal from Orissa, he may approach his authorities to revoke his suspension order and in that event the Respondents/Authorities may exercise their discretion independently by keeping in mind the gravity of the facts and circumstances of the case.

5. In the above said premises, this Original Application is dismissed being devoid of any merit and, as a consequence, the interim order passed in this case stands vacated. No costs.


(MANORANJAN MOHANTY)
MEMBER(JUDICIAL) 31/03/2003

KNM/QM.