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O.A. No. 403 of 2008


Order dated: 27.10.2008

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)  
Hon'ble Mr. C.R. Mohapatra, Member (A)

Heard Mr. A.K. Mishra, Ld. Counsel appearing for the applicant, Mr. S.B. Jena, Ld. Additional Standing Counsel and Mr. A.K. Bose, Ld. Government Advocate for the State.

2. Applicant, the senior most IPS Officer of the State cadre, as alleged, has been kept under suspension on certain allegations as per Annexure-A/1 order from 24.08.2007 onwards. The grievance of the applicant is that even after his filing the explanation, which was sought from him by the Disciplinary Authority, enquiry has been started. The enquiry now initiated against him has not been completed. It is further alleged that due to the continuance of the disciplinary proceedings against him, some of his juniors now have been promoted to the higher rank and he is now harassed by the Government. It is in this background that the applicant filed this Original Application praying that "this Tribunal may be pleased to quash the order of suspension as passed on 24.08.07, Annexure-A/1 and subsequent extension of the order of suspension as has been passed on 19.11.2007 in extending for a period of 180 days in Annexure-A/3 and further extension as has been made on 16.05.08 for further more 180 days in Annexure-A/8 needs to be quashed by the Hon'ble Court; and further the Hon'ble Court may direct the



OP No. 1 to consider/dispose of the appeal as made in Annexure-A/9".

3. We have gone through the entire averments of the Original Application and the documents now produced before this Tribunal. The applicant has been now served with a charge sheet under Annexure-A/2, dated 30.08.2007, to which the applicant has already given his reply as per Annexure-A/6, dated 21.02.2008. Still the enquiry has not been finalized and the suspension of the applicant has been continuing even without considering any of the replies given by him or the circumstances under which he was kept under suspension. The applicant has also filed Annexure-A/9 appeal against the continuation of suspension order beyond the statutory period for which the authority can keep him under suspension. After going through the records and the contentions raised in the Original Application, we are of the view, at this stage, that this Tribunal is not expected to go into the merit or demerit of the contentions of the applicant. We are now inclined only to dispose of the Original Application by giving a direction to the opposite party No.1 to dispose of Annexure-A/9 appeal as per law within a specified time. In Annexure-A/9, the applicant has already narrated all his grievances and in the light of that narrations that representation may be considered as per law by the Respondent No. 1 and a final decision <sup>be b</sup> taken in the matter as <sup>^</sup> early as possible at any rate within 45 days from the date of receipt of copy of this order.



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4. With the above, the O.A. stands allowed to the extent indicated. No costs.

hants  
~~MEMBER (A)~~

L kappen  
MEMBER(J)

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