

10

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.215 of 2011
Cuttack this the 07th day of September, 2011

CORAM:

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER
AND
HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

...
Shri Prasanta Kumar Nayak, I.A.S., aged about 50 years, Son of late Haramohan Nayak, At-5R/4, Forest Park, PO/PS-Capital, Munsif-Bhubaneswar, Dist-Khurda

...
Applicant
By the Advocates:M/s.G.Rath, D.Ku.Mohanty, S.Rath & B.K.Nayak-3

-VERSUS-

1. Union of India represented through its Secretary to Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training, New Delhi, PIN-110 001
2. State of Orissa represented through its Chief Secretary, Orissa Secretariat, Bhubaneswar, Dist-Khurda, PIN-751 001
3. Special Secretary to Government of Orissa, General Administration Department, Secretariat, Bhubaneswar, Dist-Khurda

...Respondents

By the Advocates:Mr.U.B.Mohapatra, SSC & Mr.G.C.Nayak,G.A(State)

ORDER

HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER:

In this Original Application, the applicant has sought for the following relief.

“...to call for and peruse the record/files relating to suspension and review of the order of suspension of the applicant dated 27th July, 2006 and if on kind perusal of the record, the Hon'ble Tribunal satisfies that the assertion of the applicant that there having no review within the period provided in the statute, is correct then hold the order of suspension honest;

And further be pleased to direct that the applicant is deemed to have been continuing in service from the date the order of suspension became invalid/non-est and is entitled to his full salary and allowances minus the Subsistence Allowance”.

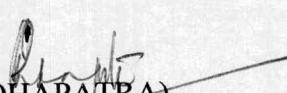
2. On being noticed, the Respondents have filed their counter opposing the prayer of the applicant. By filing a Memo dated 25.08.2011, Shri G.C.Nayak, learned

Abu

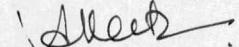
Government Advocate for the State of Orissa, has produced orders reviewing the suspension of the applicant from time to time, commencing from 23rd October, 2006 till 29th March, 2011. Upon perusal of the said orders, it reveals that the applicant was initially placed under suspension with effect from 27.07.2006. The said initial period of suspension was to be reviewed by 24.10.2006, i.e., on completion of ninety days under sub-rule 8(a) of rule 3 of all India Services (Discipline & Appeal) Rules, 1969. In the circumstances, a meeting of the Review Committee was held on 23.10.2006 which recommended extension of further period not exceeding one hundred eighty days with effect from 25.10.2006 and accordingly, the order of suspension is in force having been reviewed from time to time, as mentioned above.

2. Since the sole grievance in the present O.A. that the Respondent-Department have not at all conducted any review of the suspension of the applicant, in our considered view, the same having been so conducted by the Respondents in accordance with Rules, there remains nothing more to be adjudicated and in effect, the O.A. has ^{been} rendered infructuous and is thus, disposed of. No costs.

Ordered accordingly.


(C.R.MOHAPATRA)
ADMINISTRATIVE MEMBER

BKS


(A.K.PATNAIK)
JUDICIAL MEMBER