

Central Administrative Tribunal
Ernakulam Bench

Date of decision: 28.11.1989

Present

Hon'ble Shri N.V. Krishnan, Administrative Member
And

Hon'ble Shri N. Dharmadan, Judicial Member

Original Application No. 47/89

K.G. Rajan : Applicant

Vs

1. Union of India, rep. by the
Secretary, Ministry of Finance,
New Delhi.

2. The Collector, Central Excise,
Broadway, Cochin-31.

3. The Deputy Collector (P&E),
Central Excise, Broadway, Cochin-18.

4. The Superintendent of Police,
Central Bureau of Investigation,
Ernakulam.

: Respondents

Mr. R. Rajasekharan Pillai : Counsel for applicant

Mr. PV Madhavan Nambiar, : Counsel for respondents
SCGSC

ORDER

Shri N.V. Krishnan, Administrative Member

The applicant who is an Inspector in the Central
Excise department was suspended by the ^{& impugned} order dated 25.3.88
(Annexure-C) as a case under Section 161 IPC and Section
5 of the Prevention of Corruption Act was pending investi-
gations. The applicant filed representation against this
suspension. Thereafter, he filed an appeal on 11.4.1988.

Later on he came to know that the Central Bureau of Investigation had completed the investigations and filed necessary ["] *meaning that the case is weak for prosecution* refer reports before the CBI Court. He sent a letter dated 30.6.88 (Annexure-F) to the Collector, Central Excise, *therefore,* the appellate authority, to *the impugned* ^{M (Ann G.)} reinstate him in service. To this letter, a reply was sent on 16.8.88, stating that the suspension cannot be revoked.

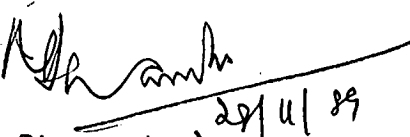
2. The respondents have contended that though the CBI investigating authorities filed such a report, the CBI Court directed continuance of investigation and a charge ^{the now} sheet has been filed against the applicant. Therefore, the continued suspension of the applicant is justified.

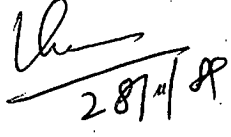
3. The learned counsel for the applicant argued that the Annexure-G order does not ^{it indicate} ~~state~~ any reason whatsoever while stating that suspension cannot be revoked.

4. We have perused the records and heard the learned counsel. The records do not indicate whether the appeal filed ^{of} ~~as such~~ has been disposed. If it is assumed that the Annexure-G order disposed of the appeal, it has to be admitted that it is a laconic order, not giving any reason for its findings. As stated by the Respondent-4

in his reply affidavit, there are instructions for the guidance of the authorities regarding suspension. It is the duty of the appellate authority to consider the appeal in the light of the subsequent letter dated ^{U of the applicant} 30.6.88 (Annexure-F) and pass an appropriate order. In the circumstances, we are of the view that the ends of justice would be met by quashing the Annexure-G order dated 16.8.88 and directing Respondent-2 to dispose of the appeal filed by the applicant on 11.4.88 with particular reference to his ^{U subsequent} letter dated 30.6.88. It is accordingly Ordered.

5. The application is disposed of as above.


(N. Dharmadan)
Judicial Member


(N.V. Krishnan)
Administrative Member

Dated the 28th day of November, 1988