

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 587

T. A. No.

1990

DATE OF DECISION 18.4.91 ✓

C. Kunhan (O.A. 587/90) ✓
V. D. Varghese (O.A. 594/90) ✓
K. X. Joseph Charles (O.A. 551/90)

Mr. R. Rajasekharan Pillai Advocate for the Applicant (s) in all
the cases
Versus

Union of India represented by Respondent (s)
Secretary, Ministry of Finance, New Delhi and others

Mr. N N Sugunapalan, SCGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. Krishnan, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? NO
4. To be circulated to all Benches of the Tribunal? NO

JUDGEMENT

Mr. N. DHARMADAN, JUDICIAL MEMBER

These three cases are heard together on
agreement of parties since common issue arises for
consideration.

2. We are only referring to the facts in O.A. 587/90 for convenience. The applicant is working as a Sepoy under the fourth respondent. He was involved in a clandestine currency transaction along with two other employees (applicants in the other two connected cases). The matter has been investigated by the CBI. In the meantime since there is a serious allegation involving huge amounts, the fourth respondent suspended the applicant

as per Annexure-A order dated 13.2.90 in contemplation of taking appropriate disciplinary proceedings against him under the provisions of CCS (CC&A) Rules of 1965. The applicant denied his involvement in the clandestine transaction and filed appeal against Annexure-A order before the Appellate authority which was dismissed confirming the order at Annexure-A as per Annexure-B order dated 7.6.90. The applicant is challenging the said order in this application on the ground that he is innocent and he was not involved in the alleged criminal action warranting any disciplinary proceedings as contemplated in Annexure-A order. The Appellate authority has not examined this aspect and confirmed the order. According to the applicant it is illegal and the order is liable to be set aside.

3. The respondents have filed a counter affidavit in which they have stated that on 6.2.90 the applicant and one V. D. Varghese another sepoy engaged a private jeep and conducted unauthorised road check and intercepted an Autorickshaw carrying four persons who were in possession of Indian currency to the tune of Rs. 10 lakhs. The applicant along with V. D. Varghese took Rs. 3 lakhs from the persons in possession of currency as illegal gratification and it is alleged that they shared the money with Shri K. X. *Action was taken by*
Joseph Charles, another Sepoy, for not reporting and initiating any legal action against them. The matter is being investigated by CBI and the fourth respondent

simultaneously initiated disciplinary proceedings against the applicant and two others. Hence, the suspension order has been passed validly pending investigation and further enquiry in this matter.

4. When the case was taken up for hearing today the learned counsel for the applicant was not present. But we perused the records and heard the learned counsel for the respondents. Since the matter involved in this case is pending investigation and enquiry before the CBI and disciplinary authority, it may not be proper for us to go into the merits of the case. Accordingly at this stage, we are not going in to the merits of this case; but we are satisfied that there is sufficient justification for passing suspension order. It has been passed on the basis of reports of the Assistant Collector SCP Division, Calicut who has conducted investigation in to the alleged involvement of the applicant and two others in the illegal currency transaction as stated in the counter affidavit. The learned counsel for the respondents submitted that charges have already been finalised and will be served on the applicant within two weeks from today.

5. Taking into consideration the facts and circumstances of the case, we are of the view that there is no merit in this application and it is only to be dismissed. But we ^{are only} ~~disposed~~ of the application with the direction to the respondents 3 & 4 to finalise the disciplinary proceedings initiated against the applicant within a period of six

months from the date of receipt of copy of this judgment. We issue the same directions in the two connected cases ~~plus~~ 4 in which a copy of this order may be placed. Accordingly, all the three cases are disposed of as above. There will be no order as to costs.

N. Bharmadan
18. 4. '91
(N. BHARMADAN)
JUDICIAL MEMBER

Chu
18/4/91
(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER

KMN

(21) Mr R Rajasekharan Pillai
SCGSC

May be posted alongwith CPC 83/93 and CPC 86/93,
RA 53/93, 54/93 and 55/93 on 19-7-93.

By order,

Ah
C.O.
12.7.93

19.7.93

(19)

Mr. R. Rajasekharan Pillai
Mr. George CP Tharakan

Admit. SCGSC takes notice for respondents.

They may file their reply within three weeks.

Post after three weeks.

Ah

R. Rangarajan
A.M.

C. Sankaran Nair (J)
V.C.

1718

(12)

Post tomorrow (R.S.93)

By order

Ah

Co

1718

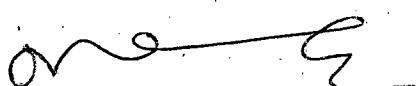
18.8.93

Mr. R. Rajasekharan Pillai
Mr. George CP Tharakan SCSSC

(14)

Petitioners (applicants) complain dis-
obedience of orders by the respondents. It is
stated that the disciplinary enquiry has not
been completed within the time limit prescribed.
Respondents state that a criminal prosecution
is pending and that the Departmental enquiry
was put off at the request of the prosecuting
agency. They submit further that within
four months of the pronouncement of the judg-
ments in the criminal case, departmental enquiry,
(if necessary) will be completed.

We record the submission. Since
there is no wilful disobedience, we discharge
the notice issued to respondents and dismiss
the application. No costs.



R. Rangarajan
A.M.


Chettur Sankaran Nair(J)
V.C.

