

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 220/93
XXXXXX

199

DATE OF DECISION 9-2-1993

T.O. Henry

Applicant (s)

Mr PM Sebastian

Advocate for the Applicant (s)

Union of India ^{Versus} Rep. by Secretary,
Ministry of Information &
Broadcasting, New Delhi and
others.

Respondent (s)

Mr George Cf Tharakan, SC GSC

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. AV Haridasan, Judicial Member
and

The Hon'ble Mr. R Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *W*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N*
4. To be circulated to all Benches of the Tribunal? *N*

Shri AV Haridasan, J.M

JUDGEMENT

The applicant, Cameraman Grade-II under Doordershan Kendra, Thiruvananthapuram has filed this application impugning the order dated 27.1.93 at Annexure-M of Respondent-1 placing him under suspension under sub-rule (i) of Rule 10 of the Central Civil Services(Classification, Control and Appeal) Rules, 1965 on the ground that a disciplinary proceedings has been contemplated.

2 The applicant has alleged that he was earlier placed under suspension by Respondent-3 and that he moved this Tribunal in OA 1683 of 1992 wherein the Tribunal directed Respondent-2 to consider and dispose of the representation made by him against his suspension. Though the order of suspension issued earlier was recalled, the Respondent-1 has now issued the impugned order. The case of the applicant is that the order of suspension was

issued only on account of malafides and that Respondent-1 has not applied his mind to the facts of the case before issuing the order.

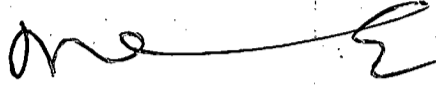
3 We have perused the pleadings and the documents on record. It is true that the applicant was earlier suspended by Respondent-3 and that the order of suspension was recalled by order dated 27.1.93 at Annexure-L of Respondent-3 which makes it clear that it was for want of approval of the competent authority that the order of suspension was recalled. Now, the impugned order at Annexure-M has been issued by the competent authority, viz. ^{servant} Secretary to the Govt. of India. As per rules, a Government ^L against whom a disciplinary proceedings is contemplated can be placed under suspension. The applicant has no case that no disciplinary proceeding is in contemplation because it has been alleged in the application that a show cause notice was issued to him. There is no allegation of malafides against the Respondent-1 who has issued the impugned suspension order. Respondent-3 being an officer subordinate to Respondent-1 who ^{has} issued the impugned order of suspension, it cannot be presumed that the impugned order has been issued at the instance of Respondent-3. On a scrutiny of the materials placed before us, we do not find any reason to interfere with the impugned order - suspension being ^a routine administrative matter the Courts/ Tribunal will interfere only if such interference is warranted on account of patent malafides or colourable exercise of power. We find none in the impugned order prima facie.

4 The application is, therefore rejected under Section 19(3) of the Administrative Tribunals Act of 1985.

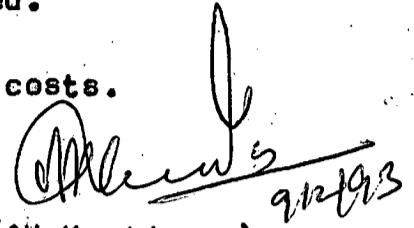
However, we hope that the disciplinary authority will have the disciplinary proceedings completed with utmost expedition so that the suspension of the applicant may not be unduly and unnecessarily prolonged.

5

There will be no order as to costs.



(R. Rangarajan)
Administrative Member


9/2/93

(AV Haridasan)
Judicial Member

9-2-1993