

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.272/2004

Wednesday, the 16th day of June, 2004.

CORAM;

HON'BLE MR S.K.HAJRA, ADMINISTRATIVE MEMBER

HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER

Sathish Kumar Unnithan,
Senior Auditor,
O/o the Audit Officer(Navy),
Kochi-4.

- Applicant

By Advocate Mr M.R.Hariraj

Vs

1. The Director of Audit(Navy),
Admiral's House,
No.1, Cooperage Road,
Mumbai-400 039.
 2. The Director General of Audit,
Defence Service,
New Delhi-110 001.
 3. Comptroller & Auditor General,
Government of India,
New Delhi.
- Respondents


By Advocate Mr C.B.Sreekumar, ACGSC

The application having been heard on 16.6.2004, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant is aggrieved by the order dated 6.11.2003 placing him under suspension vide Sub Rule(1) of Rule 10 of CCS(CCA) Rules, 1965 with immediate effect. In this O.A. the applicant challenges the prolonged continuance



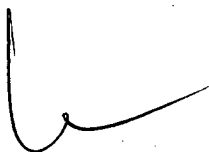
of suspension without any proper review and revision of subsistence allowance. The applicant earlier approached this Tribunal by O.A.No.619/2002 which was disposed of directing the respondents to consider the request of the applicant.

2. The case of the applicant in the present O.A. is that because of the inertia and the hostile attitude of the respondents, which culminated in initiating disciplinary proceedings against the applicant and placing him under suspension. Challenging the said action this O.A. is filed.

3. The respondents have filed a reply statement on 8.6.2004 and also filed a counsel statement on a clarification sought by this Tribunal on 4.6.2004. The counsel for the respondents submitted in para 4 of the reply statement as follows:


"14. With regard to the ground E of the O.A., it is denied that there is any delay in completing the enquiry Sri Satheesh Kumar Unnithan was placed under suspension on 6.11.2003, a charge sheet served on 16.1.2004 and enquiry has been conducted speedily and in order to conduct an impartial enquiry of facts from both the parties. Every effort has been made to complete the enquiry in reasonable time. The contention that the continuance of suspension is illegal and is not correct."

We have heard Shri M.R.Hariraj, learned counsel for the applicant and Shri C.B.Sreekumar, learned ACGSC for respondents and we have gone through the various pleadings and material placed on record.



4. Learned counsel for the applicant submitted that the suspension is not justified with reference to the rules and he is to be reinstated in service. The learned counsel for respondents submitted that it is the prerogative of the respondents to suspend a delinquent employee if it is a fit case to do so. He has also submitted that in view of the averment in para 14 and the instructions that has received, the enquiry proceedings were conducted and concluded on 23.4.2004 and what remains is the consequential follow up action in the matter, which will be completed within a reasonable time.

5. Considering the fact that the applicant is under suspension which is challenged, the matter could not be prolonged indefinitely. Therefore we direct that the respondents shall complete the proceedings and pass appropriate orders. We also direct that the applicant should cooperate with the respondents for an expeditious completion of the proceedings. We record the submission of the respondents in Annexure-R11 that the subsistence allowance in respect of the applicant has been increased to 60 percent by the competent authority with effect from 7.2.2004. Learned counsel for the applicant submitted that he has not received a copy of Annexure-R11. We direct that Annexure-R11 order will be implemented forthwith and benefits granted to the applicant. The above exercise; (i) completion of the consequential follow up action and order in the disciplinary proceedings and (ii) implementation of Annexure-R11 order,



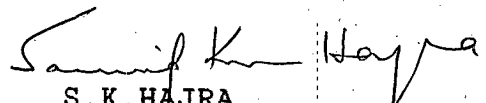
shall be complied with, within a period of two months from the date of receipt of copy of this order.

6. The O.A. is disposed of as above. There is no order as to costs.

Dated, the 16th June, 2004.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



S.K. HAJRA
ADMINISTRATIVE MEMBER

trs