

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 412 of 1992
T. A. No.

DATE OF DECISION 1-4-1992

M Ganapathy Applicant (s)

Mr PV Mohanan Advocate for the Applicant (s)

Versus

The Director General, ICAR, Respondent (s)

New Delhi & another

Mr P Jacob Varghese Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. PS HABEEB MOHAMED, ADMINISTRATIVE MEMBER

&

The Hon'ble Mr. AV HARIDASAN, 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? *W*
3. Whether their Lordships wish to see the fair copy of the Judgement? *W*
4. To be circulated to all Benches of the Tribunal? *W*

JUDGEMENT

(Mr AV Haridasan, Judicial Member)

In this application filed under Section 19 of the A.T Act, Shri M Ganapathy, working as Assistant in the Central Marine Fisheries Research Institute (CMFRI for short), Kochi has impugned the order dated 3.12.1991 by which he was placed under suspension by the second respondent. He has prayed that the impugned order at Annexure-I may be quashed, that he may be directed to be reinstated in service and in the alternate, to direct the 2nd respondent to consider and dispose of Annexure-IV representation submitted by the applicant, within a reasonable time. The applicant has averred in the application that though it is not made clear in the order of suspension as

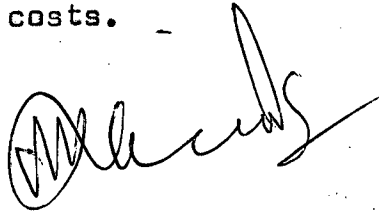
to the circumstances under which he was placed under suspension it appears from a subsequent charge sheet that the applicant was placed under suspension on the basis of a complaint made by one Smt Savithri who in a later statement had not implicated the applicant with any misconduct. Under these circumstances, the applicant states that the continuance of the order of suspension or even the disciplinary proceedings against him is not warranted.

2. When the application came up for admission, the learned counsel for the applicant submitted that the applicant would be satisfied if a direction is given to the respondent No.2 to consider the representation made by him for reviewing the order of suspension.

3. We have heard the learned counsel for the parties. Suspension is a routine administrative matter. The disciplinary authority either at commencement of the disciplinary proceedings or in contemplation thereof, has the authority to place the delinquent employee under suspension unless malafides are patent. Generally the Tribunal will not interfere in such matters. But the Sub Rule 5(c) of Rule 10 of the CCS(CCA) Rules enables the disciplinary authority who has issued order of suspension to review the order either suo moto or if moved in that behalf. The applicant has made a representation at Annexure-IV to the 1st respondent for reviewing the order of suspension. We are of the view that

the interest of justice demands a direction to be given to the second respondent to dispose of this representation, in accordance with law.

4. Hence we admit the application and dispose of the same with a direction to the respondent No.1 to consider the Annexure-IV representation in the light of the averments made therein and to pass suitable orders within a period of 15 days from the date of receipt of this order. There is no order as to costs.



(AV HARIDASAN)
JUDICIAL MEMBER



(PS HABEEB MOHAMED)
ADMINISTRATIVE MEMBER

1-4-1992

trs