

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.320/2007

This the ^{28th} day of January 2009

HON'BLE MR. M. KANTHAIAH, MEMBER (J).
HON'BLE DR. A.K. MISHRA, MEMBER (A).

Nandlal Dixit, aged about 59 years, S/o Late Chhoteylal Dixit,
R/o Village & Post Matti, District Lucknow, Presently working as
S.:P.M., Banthara, Post Office, Lucknow (Suspended).

...Applicant.

By Advocate: Shri Manish Jauhari
Shri Mohit Jauhari.

Versus.

1. Union of India through Secretary Ministry of Post & Telegraph,
New Delhi.
2. Chief Post Master General, U.P. Circle, M.G. Marg, Opp
District Magistrate Residence, Lucknow.
3. Director, Postal Services, U.P. Circle, M.G. Marg, Opp District
Magistrate Residence, Lucknow.
4. Senior Superintendent of Post Offices, Lucknow Division,
Lucknow.

... Respondents.

By Advocate: Shri S.P. Singh for Shri S.K. Tiwari.

ORDER

BY MR. M. KANTHAIAH, MEMBER JUDICIAL.

The applicant has filed the OA with a prayer to set aside the
impugned suspension order Dt. 11.4.20027 (Ann-A-1) claiming with all
consequential benefits from the date of passing of suspension order

till revocation order and the said period may be treated as deemed, without break.


2. Respondents have filed CA denying the claim of the applicant stating that the applicant while working as SPM, Banthara was placed under suspension on 11.04.2007 for embezzlement of Govt. money and disciplinary proceedings are pending against him. A charge sheet has been issued vide OM Dt. 14.08.2007 and thus, stated that the applicant is not entitled for any relief.

3. Heard.

4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

5. Admittedly, the applicant has been placed under suspension vide order Dt. 11.04.2007 on contemplation of disciplinary enquiry against him (Ann-A-1) and subsequently, after issuing charge sheet (Ann-CA-1) Dt. 14.08.2007, disciplinary proceedings have been initiated against him under CCS (CCA) Rules, 1965.

6. When the enquiry is still pending the applicant is not at all justified in seeking the present relief for setting aside the suspension order and also other benefits as claimed by the applicant without disposal of pending disciplinary proceedings and as such, the OA is dismissed as pre-mature with a liberty to claim such relief after completion of disciplinary proceedings. No costs.


(DR. A.K. MISHRA)
MEMBER (A) 28/01/09


(M. KANTHAIYAH)
MEMBER (J)
28-01-09