

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI  
NEW BOMBAY BENCH

O.A. No. 390/87

198

~~XXXXXXXX~~DATE OF DECISION 1-1-1988Dev Dass Rishi PetitionerApplicant in person. Advocate for the Petitioner(s)

Versus

Union of India, thr. the Secretary, Respondent  
Dept. of Revenue, New Delhi & other.Mr. P.M. Pradhan. Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. S.P. MUKERJI, MEMBER(A.)

The Hon'ble Mr. M.B. MUJUMDAR, MEMBER(J)

1. Whether Reporters of local papers may be allowed to see the Judgement? X
2. To be referred to the Reporter or not? X
3. Whether their Lordships wish to see the fair copy of the Judgement? X
4. Whether it needs to be circulated to other Benches of the Tribunal? X

10

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

D.A.390/87

Dev Dass Rishi,  
DN-1, N.R.C. Colony,  
Mohone - 421 102.  
Dist. Thane.

... Applicant.

vs.

1. Union of India,  
through  
The Secretary,  
to the Government of India,  
Department of Revenue,  
Ministry of Finance,  
New Delhi - 110 001.

2. Collector of Central Excise,  
Bombay - III  
Collectorate,  
Navprabhat Chambers,  
Ranade Road, Dadar,  
Bombay - 400 023.

... Respondents.

Coram: Hon'ble Member(A) S.P. Mukerji  
Hon'ble Member(J) M.B. Mujumdar.

Appearances :

1. Applicant in person.
2. Mr. P.M. Pradhan  
Advocate for the  
Respondents.

ORAL JUDGMENT

Date : 1-1-1988

(Per M.B. Mujumdar, Member(J))

In this application filed under Section 19 of the Administrative Tribunals Act, 1985 the applicant has challenged an order dtd. 18-7-1986 by which he is kept under suspension.

2. The applicant was working as Asstt. Collector of Central Excise at Bombay. In view of some disciplinary proceeding which was contemplated against him he was kept under

suspension with immediate effect by an order dt. 18-7-1986. As no disciplinary proceeding was started for a long time he filed the present application on 15-5-1987 and challenged the suspension order on a number of grounds.

3. The respondents have filed their written statement on 15-10-1987. They have pointed out that along with the memorandum dtd. 7-8-1987 they have served four articles of charge upon the applicant along with the necessary documents. Hence they have submitted that the suspension order should not be revoked.

4. We have heard the applicant in person and Mr. P. M. Pradhan advocate for the respondents.

5. Mr. Pradhan showed us a copy of the charges. Though four different articles of charges are framed against the applicant they all relate to the orders passed by the applicant as an Asstt. Collector of Central Excise. There is no charge about corruption as such. The applicant is under suspension since July '86 and the respondents have framed the charges only after the application was filed before us. We are informed that though an Inquiry Officer is appointed to conduct the departmental enquiry he has not taken any further steps so far. We are of the view that even if the suspension order is revoked the applicant is not likely to interfere in departmental proceeding by taking advantage of his position for the simple reason that the respondents want to prove the charges against the applicant by documentary evidence only.


6. We, therefore, feel that this is a fit case where the suspension order should be revoked. We, therefore, pass the following order :

ORDER

The suspension order dtd. 18-7-1987 (which is attached as Ex. 'A' to the application) is hereby revoked with immediate effect and the respondents are directed to reinstate the applicant as Asstt. Collector of Customs and post him anywhere as they deem fit within two weeks from today.

Parties to bear their own costs.

The judgment has been pronounced in open court in presence of both the parties.

  
(S.P. MUKERJI)  
MEMBER(A)

  
(M.B. MUZUMDAR)  
MEMBER(J)