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CAT/7/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI
NEW BOMBAY BENCH
CAMP AT NAGPUR.

O.A. No. 399/89 ~~XXX~~
~~TAxxNxx~~

DATE OF DECISION 21.7.1989

Shri R.E.Fusatey

Petitioner

Shri A.S.Bhagat

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.S.Shah, Vice-Chairman,

The Hon'ble Mr. P.S.Chaudhuri, Member(A).

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

Yes

No.

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY,
CAMP AT NAGPUR.

Original Application No.399/89.

Shri R.E.Fusatey, ... Applicant.

V/s.

Union of India, & Others ... Respondents

Coram: Hon'ble Vice-Chairman, Shri P.S.Shah,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Oral Judgment:

{Per Shri P.S.Shah, Vice-Chairman} Dated: 21.7.1989.

The order of suspension has been passed against the applicant on 11.1.1988 on the ground that disciplinary proceedings against him for mis-conduct were contemplated. Later on the applicant has also been served with a charge sheet dated 7.3.1988. It also appears that in respect of the incident mentioned in the charge sheet, on a police case being filed a charge sheet against the applicant in the Magistrate's Court has been filed. This Criminal case is pending and the applicant has been released on bail.

2. The petitioner has made a representation dt.5.2.1988 against the said order of suspension. A perusal of the representation would indicate that the petitioner has not raised any of the points which are now sought to be raised before us. The representation has not yet been disposed of by the Director of Postal Services to whom it is addressed. It will be open to the applicant to raise the contentions now raised by him ~~before~~ regarding the illegality of the suspension or the continuance thereof. in his representation in that behalf before the Director of Postal Services.

...2.

Am


(4)

- 2 -

We direct that the petitioner would be entitled to take up additional points in his representation dt.5.2.1988 already filed by the petitioner and pending before the Director of Postal services. The petitioner should file the additional grounds as a part of his representation dt. 11.1.1988 before the Director of Postal Services within four weeks from today. The petitioner has a right of appeal under Rule.23 of CCS(OCA) Rules against the order of suspension and as such we think it proper to allow the petitioner to raise his contentions in the very representation which can be treated as an appeal dt. 11.1.1988 against the order of suspension.

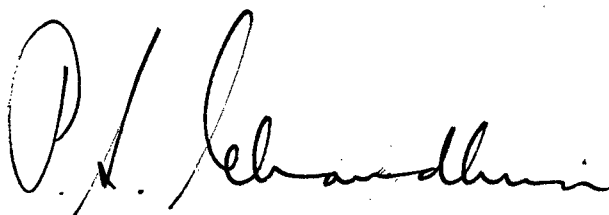
3. Mr.A.S.Bhagat submitted that in view of the pendency of the criminal case, the disciplinary proceedings against the petitioner cannot be initiated or continued and must be held in abeyance and it is pointed out by him that he has also made a representation dt. 7.2.1989 (Annexure 12 to the petition). This representation is addressed to (1) The Secretary to the Government, Ministry of Communication, Department of Post, Dak Tar Bhuvan, New Delhi and as also The Director, Postal Services, Nagpur. We hope that the said authorities would dispose of the representation as expeditiously as possible and preferably within a period of 8 weeks from today. As far as the appeal challenging the order of suspension is concerned we have already stated that the petitioner would be at liberty to amend his representation dated 5.2.1988 by taking up whatever contentions he now desires to take. The appellate authority viz. The Director of Postal Services should dispose of the appeal within a period of 8 weeks. With the above directions this application is disposed of.

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4. A copy of this order to be forwarded to Respondent Nos. 1 and 2 as also to the Secretary to the Government, Ministry of Communication, Department of Post, Dak Tar, Bhuvan, New Delhi. Copies of the present application also be forwarded to the above said three authorities.



(P.S. CHAUDHURI)
MEMBER (A)



(P.S. SHAH)
VICE-CHAIRMAN