

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 636/91
~~EXXXXX~~

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DATE OF DECISION 31.10.1991Shri S.K.Malhotra PetitionerS.P.Saxena Advocate for the Petitioner(s)

Versus

Union of India and ors RespondentMr.R.K.Shetty, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.Y.PRIOLKAR, MEMBER(A)

The Hon'ble Mr. D.K.AGARWAL, MEMBER (J)

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

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

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ORIGINAL APPLICATION NO.636/91

S.K.MALHOTRA
D'man Gr.II, R and D(Engrs)
Dighi, Pune-411015

...Applicant

V/s

Union of India
and ors.

CORAM : HON'BLE MEMBER SHRI M.Y.PRIOLKAR, MEMBER (A)

HON'BLE MEMBER SHRI D.K.AGARWAL, MEMBER (J)

Appearance

Mr.S.P.Saxena, for
the applicant

Mr.R.K.Shetty, for
the respondents.

ORAL JUDGEMENT
(PER: M.Y.PRIOLKAR, M/A)

DATED: 31TH OCT 1991

The applicant while working as a Senior D'man in the Research and Development Engineering Organisation at Pune, was given some responsibility relating to the Canteen Stores Department run by the organisation on payment of some honorarium. The applicant was, subsequently, charged with misappropriation of funds of Canteen Stores. The applicant was served a chargesheet dated 8th July 1984 but earlier on 5th June 1982 he was placed under suspension as disciplinary proceedings were contemplated against him. A police complaint was also lodged in respect of the shortages of the unit canteen (FIR 45/82) and the Police authorities filed a

criminal case before the Judicial Magistrate, Pune (Criminal Complaint No. of 1986). It is stated, that the said suit is still pending in the said Court for Criminal charges. By order dated 25th July 1989 the competent authority revoked the suspension order with effect from 1.8.1989. It is stipulated in that revocation order that the period of suspension will be treated as non duty for all purposes, and the pay and allowances for the period of suspension will be limited to the subsistence allowance already paid/to be paid to the applicant. In the order, it is also mentioned that this revocation order may be reviewed after conclusion of proceedings(Court/Departmental) under the relevant rules.

2. The grievance of the applicant is against the clause in the order dated 25.7.1989 of the revocation of suspension, that the period of suspension will be treated as non-duty for all purposes. According to the applicant there is hardly any progress in the criminal proceedings and even in the departmental proceedings, the last sitting was conducted in the year 1982. He apprehends that the respondents have already pre-judged the issue by this order to the effect that the suspension period should be treated as non duty for all purposes, even before any conclusions are reached in the Departmental proceedings. Learned counsel for the respondents stated that the delay in the departmental proceedings is because, the respondents have decided to await the outcome of the criminal proceedings before further proceeding with the departmental inquiry.

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3. In the circumstances, we are of the view that this application is pre-mature at this stage. At the same time the respondents should take effective steps to complete the departmental proceedings within a reasonable period. We, accordingly, direct that the respondents should conclude the departmental proceedings within one year or so, and also review the clause in the order dated 25th July 1989, regarding treatment of the period of suspension as non-duty for all purposes, in the light of the final order that may be passed in the departmental inquiry, within two weeks of passing of such order. With this direction, the application is disposed of finally with no order as to costs. Needless to say, the applicant, if he is still agrieved with such order passed after completion of the departmental proceedings will have the liberty to approach ^{this Tribunal} again in accordance with law.



(D.K.AGARWAL)
MEMBER (J)



(M.Y.PRIOLKAR)
MEMBER (A)