

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

(3)

O.A. NO: 227/92  
T.A. NO: --

199

DATE OF DECISION 9-3-1992

Subhash Gojerao Ingle

Petitioner

Mr.R.R.Pillay

Advocate for the Petitioners

Versus

DG Ordnance Factory, Calcutta & One another  
Respondent

Mr.Ramesh Darda

Advocate for the Respondent(s)

**CORAM:**

The Hon'ble Mr. Justice U.C.Srivastava, Vice-chairman

The Hon'ble Mr. M.Y.Priolkar, 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 ?

  
(U.C.SRIVASTAVA)

mbm\*

MD

(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
CIRCUIT SITTING AT NAGPUR

O.A.227/92

Subhash Gojerao Ingle,  
Bhojwad-Bhadrawati,  
Tahsil Bhadrawati,  
Dist,Chandrapur(M.S.)

.. Applicant

vs.

1. The Chairman/Director General,  
Ordnance Factories Board,  
10-A,Auckland Road,  
Calcutta - 700 001.

2. The General Manager,  
Ordnance Factory Chanda,  
Chandrapur - 442 501.

.. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava,  
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Mr.R.R.Pillay  
Advocate for the  
Applicant.

2. Mr.Ramesh Darda  
Advocate for the  
Respondents.

ORAL JUDGMENT: Date: 9-3-1992  
(Per U.C.Srivastava, Vice-Chairman)

An application filed by the applicant earlier(Tr.Appln.14/1988) was allowed on the ground that Inquiry Officer's report was not given to him which violated the principles of natural justice and the dismissal order was set aside. It appears that thereafter the Disciplinary Authority decided to hold the enquiry and passed an order that the applicant shall be deemed to be under suspension with effect from 12-12-1983 i.e. the effective date of the order until further orders and he shall ~~be~~ be entitled to payment of subsistence allowance

(5)

for the said period in terms of Rule 10(4) of CCS(CCA) Rules 1965 read with Article 193 of CSR(Vol.I) and subject to fulfilment of conditions prescribed therein.

2. Learned counsel for the applicant contended that it is with effect from the date the punishment order was passed. The applicant has now been deemed to be under suspension with the result that the order passed by this Tribunal has been nullified by the respondents in this manner.

3. We have been informed that subsequently the applicant has been again been dismissed which order is now been challenged separately. In view of the fact that the applicant has been dismissed this application has become infructuous as suspension order good or bad it may be has merged into the dismissal order. The applicant can urge this question that the suspension order which has been so passed or the declaration so made that he will be deemed under suspension with effect from the date he was earlier punished can even now be adjudicated in a separate application against the dismissal order as the question will be ~~whether~~ whether the applicant who under the orders of the Tribunal was reinstated in service will be entitled to full salary and allowances and will continue to get the same till the date of dismissal can be adjudicated in the said case. Whether the applicant can also be placed under suspension after the decision of the case by the Tribunal and that too at a stage when only

10

(6)

something remains to complete the enquiry can also be decided in the said case.

4. As all these questions are open and can be decided in the other case in case challenge to the same is made this application has become infructuous and is dismissed as such with the above observation.

  
(M.Y. PRIOLKAR)  
Member(A)

  
(U.C. SRIVASTAVA)  
Vice-Chairman

MD