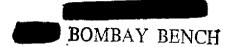
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL



O.A. No. 321/92

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DATE OF DE	CISION5.8.	92
	Petitioner	
ayan	Advocate for the	Petitionens)
ersus		-
a & Ors	Respondent	-
an .	Advocate for the F	Responaem(s)
	rayan ersus a & Ors	Respondent Advocate for the F

CORAM:

The Hon'ble Mr.

Justice S K Dhaon, 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?

 MGIPRRND-12 CAT/86-3-12-86-15,000

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL BOMBAY BENCH, "GULESTAN" PRESCOT ROAD, BOMBAY - 400001

O.A. No. 321/92

V.B. Hajela C/o. C B Saxena 803 Coste Bella Petry Cross Road Bandra (West) Bombay

.. Applicant

V/s.

- Union of India through Secretary, Ministry of Commerce Department of Supply Nirman Bhavan New Delhi
- 2. Director of Inspection Director General of Supplies and Disposal Department of Supply Govt. of India, Aayakar Bhavan Annexe New Marine Lines Bombay 400020
- 3. A. Ramaswamy
 IAS, Director & CVO
 Department of Supply
 Ministry of Commerce
 New Delhi

.. Respondents

Coram: Hon. Shri Justice S K Dhaon, V.C. Hon. Shri M Y Priolkar, Member(A)

APPEARANCE:

7

Mr. Sankaranarayan Advocate for the applicant

Mr. V M Bendre (for Mr. P M Pradhan) Counsel for the Respondents

ORAL JUDGMENT: DATED: 5-8-1992 (PER: S.K. Dhaon, Vice Chairman)

By the order dated 19-2-1992 the
Director and Chief Vigillance Officer, Department
of Supply, Ministry of Commerce reinitiated

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disciplinary proceedings against the applicant.

He has also passed an order of deemed suspension

in the purported exercise of Sub-rule 4 of Rule 10

of the C.C.S.(C.C.A.) Rules, 1965. The order of

suspension is being impugned in the present

application.

- 2. The learned counsel admits that the applicant has retired from service. Learned counsel for the respondents concedes that during the pendancy of the earlier disciplinary proceedings the services of the applicant had not been placed under suspension. It follows that the applicant's services have been suspended for the first time under the order of 19-2-1992.
- 3.) The respondents could not invoke sub-rule 4 of Rule 10 as against the applicant as he had not been suspended from service, at any stage during the pendancy of the earlier disciplinary proceedings. Learned counsel for the applicant informed us that a reply had been given by the applicant cant after receipt of the order dated 19.2.92. The proceedings, therefore, shall go on.
 - 4. However, we direct that the order of suspension as contained in the impugned order shall not be enforsed as against the applicant.

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With these directions this application is disposed of finally with no order as to costs.

(M Y Priolkar) Member (A)

(S K Dha**n**n) Vice Chairman

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