

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 321/92

198

~~Ex-A-0-Nex~~DATE OF DECISION 5.8.92V B Hajela PetitionerMr. Sankaranarayan Advocate for the Petitioner(s)

Versus

Union of India & Ors RespondentMr. V M Bendre for Advocate for the Respondent(s)
Mr. P M Pradhan

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?

NO

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

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V. C

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.

1. 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 & CEO
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:

Mr. Sankaranarayanan
Advocate for the
applicant

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

ORAL JUDGMENT:
(PER: S.K. Dhaon, Vice Chairman)

DATED: 5-8-1992

By the order dated 19-2-1992 the
Director and Chief Vigilance 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 pendency 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 pendency of the earlier disciplinary proceedings. Learned counsel for the applicant informed us that a reply had been given by the applicant 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 enforced as against the applicant.

SM

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



(M Y Priolkar)
Member (A)



(S K Dham)
Vice Chairman

Stayed by SC
by order
26/4/93.

The Judgment is set aside
& OA stands dismissed
by order of SC dated
11-4-96 in

CA 3869/93 copy kept on record
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