

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 779/92

Date of Decision : ^{-1h} 20 September 01.

Navin Singh Applicant

Shri M.S.Ramamurthy Advocate for the Applicant.

VERSUS

Union of India & Ors. Respondents

Shri S.D.Bhosale for Advocate for the
Shri M.I.Sethna for R-1 Respondents
and Shri V.S.Masurkar for R-2.

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

The Hon'ble Smt.Shanta Shastri, Member (A)

- (i) To be referred to the reporter or not ? *yes*
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ? *NO*
- (iii) Library *yes*

P.L.Jain
(S.L.JAIN)
MEMBER (J)

mrj:

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.779/92

Dated this the 26th day of September 2001.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Hon'ble Smt.Shanta Shastri, Member (A)

Navin Singh,
Deputy Conservator of Forests,
Nagpur.
R/o. 10, S.B.I.Officers' Colony,
Amravati Road, Nagpur.

...Applicant

By Advocate Shri M.S.Ramamurthy

vs.

1. Union of India through
The Secretary to the
Government of India,
Ministry of Environment &
Forests, Department of
Environment, Forests &
Wildlife, New Delhi.

2. State of Maharashtra
through the Principal
Secretary to Government
of Maharashtra, Department
of Revenue and Forests
(Forests), Mantralaya,
Bombay.

...Applicant.

By Advocates Shri S.D.Bhosale
for Shri M.I.Sethna for Respondent
No.1 and Shri V.S.Masurkar for
Respondent No. 2.

..2/-

S.D.

O R D E R

{Per : Shri S.L.Jain, Member (J)}

At the commencement of the hearing, the learned counsel for the applicant stated that he is pressing only the relief mentioned at Para 8 (d) of the OA. which is as under :-

" 8 (d) that the Respondents be directed to pay the applicant full emoluments for the period of suspension and treat the same as duty for all purposes."

2. On perusal of the relief clause at para 8 (a), (b) and (c), the applicant has claimed the declaration that order dated 12.5.1992, chargesheet dated 13.5.1992 are mala fide, vindictive, arbitrary, bad in law and are liable to be quashed and set aside.

3. The present OA. was filed before the Tribunal on 30.7.1992. Thereafter, in view of order dated 17.10.1992, the applicant was reinstated in service w.e.f. 3.8.1992. As the date of suspension of the applicant is 12.5.1992, his claim for emoluments commencing from 12.5.1992 till 3.8.1992 deserves to be considered:

4. After the said order dated 17.10.1992, the applicant filed OA.No.202/95 which was decided vide order dated 21.6.1996 by this Bench. Perusal of para 3 of the order in the said OA. makes it clear that the applicant has challenged chargesheet

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dated 12.5.1992 and has claimed the relief to quash and set aside the said chargesheet dated 13.5.1992 which is the subject matter of this OA.

5. Thereafter, the applicant filed OA.No.169/98 which was decided on 24.7.1998. Perusal of the operative part of the order makes it clear that C.R.-48 which is the subject matter of the present OA. was also the subject matter of the said OA., i.e. 169/98 and OA.202/95 and the direction was to complete the enquiry and pass final order within a period of six months from the date of receipt of this order, in case final orders are not passed by the disciplinary authority in this case, C.R.-48, C.R.-130 and C.R.-137 within the time limit prescribed, the disciplinary authority shall be deemed to have abandoned subject to the observation made in para 12 and 13. On perusal of the said paras, we are of the considered opinion that the respondents were given liberty for extension of time by the Tribunal by giving proper and adequate reasons. On a further perusal of OA.No.169/98, we find that from time to time, time was extended and on 19.3.2001, the copy of which is supplied to the respondents on 11.4.2001, one month's time was granted from 19.3.2001 for the submission of the case to the Government of India/UPSC and Central Government has to decide the matter within a period of six weeks from the date of receipt of a copy of this order. Thus, apparently till or approximately by the end of July, 2001, The respondents were expected to pass the necessary orders.

6. During the course of hearing, the learned counsel for the respondents stated that still the decision in respect of enquiry is awaited. The treatment of the suspension period can be only on the basis of the result of the enquiry, which is to be determined in view of Chapter VIII Fundamental Rules. Hence, it is ordered that the respondents are directed to consider the applicant's prayer after the decision of the enquiry or when enquiry shall ^{be} deemed to have been abandoned or dropped as per Chapter VIII Fundamental Rules. If the applicant has any grievance thereafter in respect of the same, he is at liberty to proceed in accordance with law. No order as to costs.

Shanta

(SMT. SHANTA SHASTRY)

MEMBER (A)

S.L. Jain

(S.L. JAIN)

MEMBER (J)

mrj.