

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

THURSDAY THE SEVENTEENTH DAY OF SEPTEMBER
ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN

: PRESENT :

THE HON'BLE MR. B.N. JAYA SIMHA: VICE-CHAIRMAN
AND
THE HON'BLE MR. D. SURYA RAO: MEMBER.

ORIGINAL APPLICATION NO. 514/87

Between:-

Ch. Narayana charyulu

.....Applicants.

And

1) The chief staff officer (P & R)
Head quarters, Eastern Naval Command
Naval Base, Visakhapatnam-14.

2) Sri. M.S. Seshadri, C.O.
Inquiry officer
42-A Building,
Naval Dockyard
Visakhapatnam-530014.

.....Respondents.

Application under Section 19 of the Administrative
Tribunals Act, 1985 praying that in the circumstances stated therein
the Tribunal will be pleased to

1) Quashing of illegal suspension order CE/9103/7 dt. 10-7-85.

2) Quashing of disciplinary proceedings conducted
contra-verbatim to the rules.

3) Quashing of chargesheet, because Disciplinary
Authority is not-relevantly appropriate,
and also denied to follow comply the
Statutory rules in CE/9103/7 dt. 9-10-85.

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ORIGINAL APPLICATION NO. 514 of 1987

(ORDERS OF THE TRIBUNAL)

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The applicant herein was working as U.D.C. in the Headquarters office of Eastern Naval Command, Naval Base, Visakhapatnam. While he was working in that post, he was placed under suspension by an Order No.CE/9103/7 dated 10-7-1985 issued by the first respondent, viz., The Chief Staff Officer (P&A), Headquarters, Eastern Naval Command, Naval Base, Visakhapatnam. It is this order, which is sought to be questioned in this application.

2. The suspension order was issued since a disciplinary proceeding was contemplated against the applicant. This was followed by a charge-sheet dated 9-10-1985 in which the applicant was charged on seven different counts. Thereafter, the disciplinary inquiry was commenced on 17-10-1985 and was still in progress at the time of filing this application. The applicant submitted an appeal to the appellate authority on 12-7-1985 for revoking the suspension order, but the

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appellate authority rejected the appeal on 17-10-1985.

The applicant contends that he has been kept under suspension for a prolonged period of 27 months without completion of the inquiry. Suspension has become virtually a punishment in his case. He further contends that it is incumbent on the respondents to complete the disciplinary proceedings at an early date.

There is no question of the applicant tampering with any records because all the documents have gone into the hands of the respondents and the stage of examining the relevant records was over by 23rd May, 1987.

He has also been transferred from the office ~~xxam~~ in which the alleged acts of misdemeanour took place.

He, therefore, contends that the order of suspension should be revoked.

3. No counter has been ~~made~~ filed by the Department.

We have heard the applicant in person and the Learned Standing Counsel for the Department: Mr.R.Sreeramulu.

It is now submitted by the Standing Counsel for the Department that the inquiry is completed and the Inquiry Officer

is likely to submit his report to the Disciplinary Authority very shortly. The Standing Counsel, therefore, contends that there is no ground for revoking the suspension order at this stage of the inquiry.

4. From the submissions made by the applicant, it is clear that he has been under suspension for more than 27 months and all the records pertaining to the alleged charges have been taken over by the Department. There is no apprehension that the applicant will interfere with the inquiry or tamper with the documents. The Government of India's Guidelines to its Departments stipulate that the period of suspension is kept to the minimum and any order of suspension passed should be reviewed periodically to examine whether continued suspension is warranted under the given circumstances. Instructions also require that after a period of six months, a review of the suspension order should be made to determine whether continuance of the delinquent official under

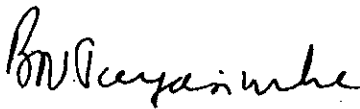
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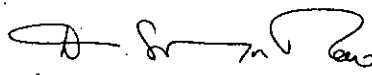
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suspension is necessary. Instructions also stipulate that the authorities concerned should periodically reassess the possibility as to whether the delinquent official can be transferred to a different post or to a different office where he may not repeat the misconduct or influence the investigations, if any, in progress. Having regard to these instructions and the factual circumstances of the present case, we direct that the applicant's suspension shall be revoked. It is open to the Department to post him in any office of their choice. This order is however without prejudice to the Inquiry against the applicant in progress.

5. With the above directions, the application is allowed. There will be no order as to costs.


(B.N. JAYASINHA)
Vice-Chairman.


(D. SURYA RAO)
Member (Judl.)

17th Sept., 1987.

RSR°