

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.628/99

DATE OF ORDER : 26-4-1999.

Between :-

B.A.Thayalan

... Applicant

And

1. Union of India,  
rep. by its Secretary,  
M/o Defence, New Delhi.
2. The Director General,  
Defence Estates,  
R.K.Puram, New Delhi.

... Respondents

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Counsel for the Applicant : Mr.N.R.Devaraj

Counsel for the Respondents : Mr.P.Phalguna Rao, CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

(Order per Hon'ble Shri H.Rajendra prasad, Member (A) ) *Q*  
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(Order per Hon'ble Shri H.Rajendra Prasad, Member (A) ).

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Heard Sri N.R.Devaraj, learned counsel for the Applicant and Sri P.Phalguna Rao, learned Standing Counsel for the Respondents.

2. The applicant is aggrieved by the action initiated on behalf of Respondent No.1 in placing him under suspension vide memo No.15(4)/99-D(Q&C) dated 23.3.1999 (Annexure-II page-17 to the OA).

3. Certain facts and events have been narrated in the O.A. which, the applicant believes, may have resulted in the impugned action of suspension. We have nothing on the record of the case so far except the version put out by the Applicant in the O.A. It thus becomes necessary to record that we are not aware of the actual or exact reasons for the issue of the impugned order.

4. Be that as it may, it is seen that the Applicant submitted a representation to Respondent No.1 on 9.4.1999, projecting his grievance. Obviously no reply has yet been received because of the fact that barely 15 days have passed since the submission of the said representation and it is to be assumed that the same is receiving the attention of the authorities. It is not our intention to go into the merits of the case. We are also conscious of the fact that suspension by itself is not a punishment and the Courts have to be slow in interfering in these matters;



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specially when all pertinent facts are not known.

5. Considering all aspects of the case before us, in so far as they are highlighted in the O.A. itself, and also taking into consideration the elaborate submissions made by the learned counsel for the Applicant, it is considered necessary, adequate and fair, to direct Respondent No.1 to have the applicant's representation dated 9th April, 1999, examined expeditiously with a view to arriving at a suitable decision in the matter on the basis of all relevant facts contained in the said representation besides such other facts which may be pertinent and made available to him. It will be open to the said Respondent (Secretary, M/o Defence) to :

(a) review and revoke the suspension of the applicant;

(b) to uphold the same ~~and~~ if he comes to the conclusion that the same is absolutely and inescapably necessary.

6. Sri N.R.Devaraj repeatedly requested us to direct Respondent No.1 to grant a personal hearing to the applicant. It is strongly urged by the applicant that he would be able to explain the case comprehensively to the Secretary, Raksha Manthralay, during a personal hearing. While no specific direction is found possible to be issued on this aspect of the matter, we would express a clear opinion that the grant of a personal hearing would very desirable and appropriate.

7. The learned additional standing counsel for the Respondents Sri P.Phalguna Rao, opposes the issue of any direction at all in any manner at this stage when it is not known as to what exactly has led to the issuance of the impugned order. This is specially so since the Applicant has

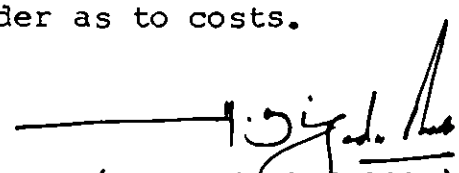
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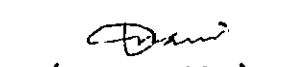
....4.

neither alleged any malafides on the part of any of his superior officers, nor has the competence of the officer who issued the impugned order ( ) been questioned. Under these circumstances, it is strongly contended that this OA is not maintainable at all, and that it should be dismissed in limine. We have noted the submissions.

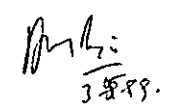
8. To sum up, Respondent No.1 shall dispose of the Applicant's representation dated 9th April, 1999 within four weeks from the date of receipt of a copy of this order, after considering the facts and submissions contained therein, and have a suitable reply issued to the Applicant. The possibility of granting a personal hearing to the Applicant needs to be considered too.

9. Thus the O.A. is disposed of at the admission stage.  
No order as to costs.

  
(H. RAJENDRA PRASAD)  
Member (A)

  
(D.H. NASIR)  
Vice-Chairman

Dated: 26th April, 1999.  
Dictated in Open Court.

  
3.8.99.

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COPY TO:-

1. HON'D

2. HHRP M(A)

3. HOSJP M(J)

4. B.R.(A)

5. SPARE

1ST AND 2ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR :  
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD :  
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN :  
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR :  
MEMBER (B)

DATED: 28.4.99

ORDER / JUDGEMENT

M.A./R.A./C.P.No.

IN

C.A. No. 628/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WITH HYDERABAD BENCH

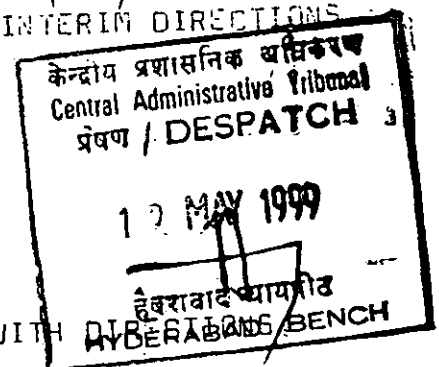
DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

SRR



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