

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.1141/99

DATE OF ORDER : 20-9-1999.

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 : Shri N.R.Devaraj

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

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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... 2.

(Order per Hon'ble Sri R.Rangarajan, Member (Admn.)

Heard Sri N.R.Devareaj, counsel for the applicant and Sri P.Phalguna Rao, standing counsel for the respondents.

2. The applicant in this OA while working as Defence Estates Officer, Secunderabad was issued with the impugned suspension order NO.24/712/Vig/DE/99 dated 23.3.1999 (Annexure-I Page 17 to the OA).

3. This OA is filed praying for (i) suspension of the operation of the letter dated 23.3.99 issued by the Respondents 1 and 2 and letter dated 8.6.99 issued by the Respondent No.2 whereby the applicant's request for revocation of suspension order was rejected.

4. The applicant has been suspended by the impugned order referred to above. He is still in Government service under the respondents' organisation. Hence the question of evicting him from Government accommodation will not arise at this stage as the service of the applicant is not terminated by adhering to the disciplinary rules. An interim order was passed in this O.A. on 4.8.1999 wherein it is directed that "the applicant should not be disturbed from the quarters he is occupying now until further orders if the applicant has not vacated the quarter till today." That order will hold good till the finalisation of the disciplinary proceedings including the passing of the final order by the Disciplinary Authority.

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5. The present prayer in this OA is to set-aside the suspension order. The suspension order is issued contemplating to initiate disciplinary proceedings. Though the applicant submits number of reasons for quashing the suspension order, it is too premature to quash the suspension order especially when the charge sheet itself is yet to be issued. Suspension order is issued normally to avoid tampering with the records. Even though the applicant submits that the alleged misconduct which took place 2000 KMs away from his present place of posting and hence there is no need to suspend him, it is not for the Tribunal to sit on judgment of the disciplinary authority in regard to issue of the suspension order. Hence the applicant has to wait till the charge sheet is issued and on that basis the applicant can approach the respondent-authorities for revocation of the suspension order if on the basis of that charge sheet, he is of the opinion that his suspension is unwarranted.

6. The respondents also should examine the necessity of keeping the applicant under suspension after the charge sheet is issued. If the representation is received in this connection for revoking the suspension after the charge sheet is issued, the same should be considered by the respondent-authorities and they should pass a detailed speaking order appraising the applicant in regard to the above issue, in case it is decided to continue the suspension of the applicant. No doubt, the applicant is at liberty to challenge that reply, if it is not in his favour in accordance with law.



7. The applicant was suspended way back in March, 1999. The learned counsel for the applicant submits that already he is under suspension for six months and as no charge sheet has been issued, the whole process should be set-aside. But such a submission cannot be accepted at this juncture. The only relief that can be given to the applicant in this connection is that the charge sheet should be issued expeditiously and in any case within a period of two months from the date of receipt of a copy of the judgment.

8. The learned counsel for the applicant submits that in case the charge sheet is not issued within two months, the whole process should stand quashed and the disciplinary proceedings should be dropped. This is a too premature request. Even the contents of the charge sheet are not known. Hence the request of the applicant as above cannot be acceded to.

9. The applicant in the interim prayer requests for increasing the subsistence allowance. But today the learned counsel for the applicant submitted that it has been increased. But if he is not satisfied with the increase from the date from which it is increased, he is at liberty to submit a detailed representation to the respondent-authorities for granting him the increased subsistence allowance from the date which he considers appropriate.

10. In the result, the following directions are given:-

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(i) The applicant should not be disturbed from the quarters he is occupying now until the punishment order is issued by the Disciplinary Authority on the basis of the charge sheet to be issued to him, if the applicant has not vacated the quarter till today;

(ii) The charge sheet should be issued within two months from the date of receipt of a copy of this order;

(iii) The respondents should consider revocation of the suspension of the applicant soon after the charge sheet is issued, on their own volition. The applicant is also at liberty to submit a representation for revocation of the suspension for the reasons to be stated, if he is so advised. If such a representation is received, the same should be disposed of with a speaking order very expeditiously, in case his request is not acceded to.


(iv) The applicant is at liberty to submit a representation for increasing the subsistence allowance from a date which he considers appropriate. If such a representation is received, the same should also be disposed of by the respondent-authorities in accordance with law, within a month from the date of receipt of such a representation.

If. With the above directions, the OA is disposed of.  
No order as to costs.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

  
(D.H. NASIR)  
VICE CHAIRMAN

DATED: 20th September, 1999  
Dictated in the open court.

  
11/9/99

COPY TO :-

1. HDHND
2. HRRN M (A)
3. HB5JP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

IST AND II NO 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. R. RANGARAJAN  
MEMBER (ADMIN.)

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

\* \* \*

DATE OF ORDER: 20/9/99

MA/RA/CP NO.

IN

CA. No. 1124/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

CA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
बेष / DESPATCH

27 SEP 1999

हैदराबाद न्यायपीठ  
HYDERABAD BENCH