

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR. (7)

G.A.No.564/94

Dt. of order: 14.2.1995

Laloo Ram : Applicant

Vs.

Union of India & Ors. : Respondents

Mr.J.K.Kaushik : Counsel for applicant

Mr.Manish Ehandari : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.G.P.Sherma, Member(Adm.)

PER HON'BLE MR.G.P.SHERMA, MEMBER(ADM.).

Applicant Laloo Ram has in this application under Sec.19 of the Administrative Tribunals Act, 1985, prayed that the order dated 8.2.94 (Annx.A1) placing the applicant under suspension, order dated 26.7.94 (Annx.A2) confirming the suspension of the applicant and order dated 8.11.94 (Annx.A3) rejecting the applicant's request for treatment of the period of suspension from 1.3.94 to 26.7.94 as period spent on duty may all be quashed as being illegal and without jurisdiction. He has further prayed that the entire period of suspension from 8.2.94 to 12.8.94 may be treated as spent on duty for all purposes and due pay and allowances for the said period may be paid to the applicant forthwith.

2. The applicant was placed under suspension vide order dated 8.2.94 issued by the ADAO, Jaipur when he was working as Feen in the Cash & Pay Office, Western Railway, Jaipur. The suspension order was confirmed by the Sr.DAO, Jaipur. The applicant's case was that the authority which placed him under suspension was not competent to do so and the confirmation of the order by the Sr.DAO was in July '94, whereas he had ^{been} placed under suspension in February 1994. On this ground it was claimed that the period from February 94 to July 94 should be treated as period spent on duty. This claim was rejected by Annx.A3 dated 8.11.94.

3. The learned counsel for the applicant stated during the arguments that the authority which placed him under suspension was not competent to do so and the confirmation of the order of

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suspension by an authority who was otherwise not-competent to pass such order should be totally unjustified. Moreover, the said order was confirmed by the concerned authority as late as in July 1994. On this ground he has sought treatment of the period from Feb.94 to July 94 as that spent on duty. He has argued that on the grounds mentioned above, even the suspension beyond the period from July 1994 was unjustified and therefore, the competent authority should pass an order at this stage treating the period of suspension as spent on duty for all purposes.


4. The respondents in their reply have filed Annex.R1 and R2 which according to them show that the officers working as Divisional Accounts Officer, Sr.Divisional Accounts Officer, etc. are competent to impose penalties on the applicant and to place him under suspension. They have specifically stated that the administrative control over all employees of the Pay and Cash Branches in the Divisions has been given to the Accounts Department for the reason that if any irregularities were noticed in their working immediate action can be taken in this regard. They have relied upon Annex.R1 dated 12.1.92 to support this view. Therefore, according to them there was no irregularity in the applicant's being placed under suspension by the ADAO.

5. We have heard the learned counsel for the parties and have gone through the records. From Annex. R1 and R2, it appears that the Divisional Accounts Officer and Sr.Divisional Accounts Officer were competent to impose certain penalties on the applicant. Therefore, they would be competent to place the applicant under suspension also. Undoubtedly, the confirmation of the order of suspension by the Sr.DAO is rather late but that alone cannot justify the contention that the suspension was irregular or improper. The learned counsel for the applicant stated that the suspension of the applicant has already been revoked and he was taken back on duty. Therefore, in fact the prayers relating to revocation of suspension order or confirmation thereof has become irrelevant. The only relevant prayer at this stage ^{is} that the period of suspension should be treated as having been spent on duty.

6. Disciplinary proceedings have already been initiated against the applicant by issue of a charge sheet to him which is Annex.A5 dated 1.3.94. The learned counsel for the applicant states that this charge sheet has since been superseded by a fresh charge sheet dated 19.7.94. However the charge against the applicant remains same namely stealing of an amount of Rs.5300/- from the cash box of the Sr.Cashier. The charge against the applicant is serious and disciplinary proceedings have already been initiated against him. A view about ^{whether} the period of suspension is to be treated as spent on duty can be taken only on the conclusion of the disciplinary proceedings and not at this stage. We cannot therefore direct the respondents at this stage to pass an order treating the period of suspension of the applicant as spent on duty.

7. The O.A. is dismissed at the admission stage with no order as to costs.


(C.P.Sharma)
Member (A).


(Gopal Krishna)
Member (J).