

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 495 of 2004

Jabalpur, this the 5th day of November, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Vijay Kumar Singh, S/o. Shri R.C. Singh,
aged about 54 years, R/o. House No. 51,
Shiv Nagar, Garha, Jabalpur.

... Applicant

(By Advocate - Shri Rajneesh Gupta)

V e r s u s

1. Union of India, through
Secretary, Ministry of Defence,
New Delhi.
2. Ordnance Factory Board, through
its Chairman, 10-A, S.K. Bose Road,
Kolkata.
3. Senior General Manager,
Gun Carriage Factory,
Jabalpur.
4. Joint General Manager (Administration),
Gun Carriage Factory, Jabalpur.
5. Dy. General Manager (Admn.)/
Vigilance Officer, Gun Carriage
Factory, Jabalpur.

... Respondents

(By Advocate - Shri S.P. Singh)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

Heard the learned counsel for both the parties.

2. By filing this Original Application the applicant has
claimed the following main reliefs :

"(i) to quash the order dt. 6.5.2004 Annexure A-1
and communication dt. 10.6.2004 Annexure A-11 as both
the order have been passed by the incompetent autho-
rity and are in violation of CCS (CCA) Rules, 1965,

(iii) to quash the order of suspension in the light
of various circular and judgment of the Trial Court,

(iv) to order that the period spent on suspension
shall be treated as the period spent on duty and be
further pleased to entitle the applicant for all
consequential monetary and other benefits."

3. The brief facts of the case are that the applicant was working as a Store Keeper in Gun Carriage Factory, Jabalpur. An enquiry has been instituted against him and the applicant was placed under suspension from 1992. There was also a criminal case against the applicant and the applicant was acquitted in the same on benefit of doubt. During the course of argument the learned counsel for the applicant has drawn our attention to the amendment in Rule 10 regarding the review of suspension. Sub Rules (6) & (7) of Rule 10 of CCS (CCA) Rules are as under :

"6. An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority which is competent to modify or revoke the suspension before expiry of ninety days from the date of order of suspension on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.

7. Notwithstanding anything contained in sub-rule (5) (a), an order of suspension made or deemed to have been made under sub-rule (1) or (2) of this rule shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days."

4. The learned counsel for the respondents states that the earlier review was done in May, 2004 and thereafter another review has also been done. The learned counsel for the applicant states that in case any review has been done after May, 2004, i.e. within 90 days from May, 2004, ^a the copy of the decision may be communicated to the applicant.

5. In the facts and circumstances of the case, we are of the considered view that ends of justice would be met if we direct the respondents to communicate their decision taken on review of the suspension of the applicant in May, 2004 and ^{subsequent review as stated by the learned counsel for the respondents.} thereafter. We do so accordingly. The respondents are further directed to conclude the enquiry proceedings within a period

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6. With these directions the Original Application stands disposed of. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

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पृष्ठान्न सं ओ/न्या.....जबलपुर, दि.....
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- (1) सचिव, उच्च न्यायालय का प्रसिद्धिपत्र, जबलपुर
 (2) आवेदक श्री/श्रीमती/व्यक्ति के कार्यालय
 (3) प्रत्यर्थी श्री/श्रीमती/व्यक्ति के कार्यालय
 (4) बंधुपाल, कोटा के कार्यालय

(५) ग्रंथपाल, के.प्र.अ., राजमहल न्यायधीन
सूचना एवं आवश्यक कार्यवाही हेतु

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

Issued
On 2-12-04
BS