

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

original Application No. 499 of 2003

Jabalpur, this the 25th day of July, 2003.

Hon'ble Mr. J.K. Kaushik, Judicial Member
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Prem Narain Vishnoi
S/o Late H.N. Vishnoi,
Date of birth - 13.9.1943
Divisional Accounts Grade-I
O/o Executive Engineer Dn.N.II
P.W.D. Ujjain.

APPLICANT

(By Advocate - Shri S. Paul)

VERSUS

1. Controller and Auditor General
(CAG),
Near I.T.O. Chowk,
New Delhi.
2. The Principal Accountant General
(A&E),-I, (Disciplinary Authority)
O/o Accountant General
A&E-I, 53, Arera Hills, Bhopal Branch,
Bhopal

RESPONDENTS

O R D E R (ORAL)

By J.K. Kaushik, Judicial Member -

Shri Prem Narain Vishnoi has filed this Original Application under Section 19 of the Administrative Tribunals Act assailing the validity of impugned order dated 14/07/2003 (Annexure A/1), vide which he has been placed under suspension since a criminal case is pending against him in Special Court, Chhattarpur.

2. The brief facts of the case are that the applicant at present is employed at Ujjain and is going to retire on 30th September 2003. The incident resulting in the criminal case relates to Chhattarpur and it is submitted that since he is working at Ujjain there seems to be no application of mind while suspending him. It is also averred that a detailed appeal has been filed on 22/07/2003 and the same is pending.

3. The case was listed for admission today. We have heard the learned counsel for the applicant.

4. It was questioned to the applicant's counsel that, whether the case is pre-mature or not. He has fairly submitted that the case is no doubt pre-mature, but past experience has shown that the appellate authorities take their own time and delays are not un-common. It may happen that by the time the applicant retires, he may have to retire under suspension because the appellate authority may not pass the order by that time, and the very impugned order is ex facie without application of mind. A time bound programme may be made so that the due justice is given to the applicant.

5. We have considered the submission of the applicant and he is right in accepting that the case is pre-mature. However there is no question of interference by this Tribunal at this stage, since the appellate authority is going to decide his appeal in the capacity of quasi-judicial authority. However in the interest of justice it is found expedient that the appeal is decided expeditiously. Without expressing any opinion on the merits of the case, we dispose of this original Application with the observation that it is expected from the appellate authority that keeping in view the peculiar facts and circumstances of the case an earlier decision be taken on the appeal of the applicant ~~not later~~ against the suspension order, say within a reasonable time preferable bit earlier to the retirement date of the applicant. Copy of this order alongwith the paper book be sent to the respondent No. 1.

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6. The original Application stands disposed of at the admission stage itself in limine with above observation.

Anand Kumar Bhatt
(Anand Kumar Bhatt)
Administrative Member

J.K. Kaushik
(J.K. Kaushik)
Judicial Member

"SA"

मुद्रांक सं ओ/व्या.....जलपुर, दि.....

घटिलिपि अंगोरिमा -

(1) सचिव, राज व्यापार, का उपर्युक्त जलपुर
(2) अधिकारी एवं दीक्षित/रु. के अंतर्गत SP and RD with petit
(3) एवं एकी/दीक्षित/रु. के अंतर्गत RSP एवं RD with petit
(4) एवं एकी/दीक्षित/रु. के अंतर्गत RSP एवं RD with petit

J.K. Kaushik
उपर्युक्त वायरल कार्यालय का

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