

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, INDORE

O.A.NO.950/1997

Thursday, this the 20th day of February, 03

Hon'ble Shri Justice N.N. Singh, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

Virendrakumar Pathak s/o Shri Ravishankar
Pathak, UDC, Employees State Insurance Corporation
R/o 11, ESIC Nikunj, Opposite MIG Police Station
Indore – 452 008

(By Advocate: Shri D.M.Kulkarni) ..Applicant

Versus

1. Director General, Employees State Insurance Corporation, Panchadeep Bhawan, Kotla Road, New Delhi
2. Regional Director, Employees State Insurance Corporation, Panchadeep Bhawan, Nanda Nagar, Indore 452 008

(By Advocate: Shri Vivek Saran) ..Respondents

O R D E R (ORAL)

Shri Govindan S. Tampi:

Reliefs sought for in this application are as below:-

- “8.1 The Respondent No.2 be directed to revoke the impugned order of suspension, annexure A-1 and take the applicant on duty.
- 8.2 The Respondents be directed to pay the salary of the applicant for the period of suspension till suspension is revoked minus what is paid to him as suspension allowances.

- 8.3 The respondents be directed to take into account annual increments for assessment of subsistence allowance and pay interest at the current market rate on the difference payable to the applicant.
- 8.4 The Respondents be directed to drop the long pending charges, annexure A-3 and A-4.
- 8.5 Any other relief as deemed proper be awarded and cost of the application be granted."

2. Heard S/Shri D.M. Kulkarni, learned counsel for the applicant and Vivek Saran, learned counsel for respondents.

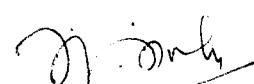
3. This is a case where the applicant has been placed under suspension on 10.8.1988 and he continues under suspension till date. There is no indication whether the quarterly review, as prescribed, in respect of those under suspension, is being taken. The request made by the learned counsel for applicant is that the suspension period having taken such a long time should be revoked, with other benefits, including grant of periodical increment.

4. Shri Vivek Saran, learned counsel appearing on behalf of the respondents pointed out that this is a case where the CBI had conducted the preliminary investigation following which the proceedings have been taken. These would be completed as soon as the applicant extends his fullest cooperation. No interference by this Tribunal is, therefore, called for now, pleads Shri Saran.

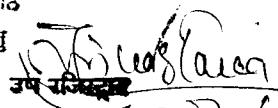
5. We have carefully considered the matter. We find that in this matter fourteen years have gone by since a UDC has been placed under suspension on the basis of CBI's investigation. Nothing has been brought out in the records to show that the purposes for which the order of suspension has been ordered to prevent the charged officer from tampering with the evidence and influencing the witnesses – still exist. The period of fourteen years is too a long for anyone's comfort. It is the time that the respondents considered the efficacy of immediately reviewing the position to take an appropriate decision on revoking the suspension within three months. They should also take steps to ensure that the disciplinary proceedings are completed within a period of four months from the date of receipt of a copy of this order, provided the applicant also extends his fullest cooperation to the inquiry officer for finalising the same.

6. OA is disposed of with the above directions. No costs

(Govindan S. Tampi)
Member (A)


(N.N. Singh)
Vice Chairman (J)

पूछानकर से ओ/न्या.....ज्वलपुर, दि.....
प्रतिनिधि लारो निवास:-
(1) समिति, उत्तर चक्रवाचक विद्यालय, ज्वलपुर
(2) श्रीमति श्री बाबू.....के कामस्तक
(3) श्री विक्किनी विहारी.....के कामस्तक
(4) विद्यालय, उत्तर चक्रवाचक विद्यालय
सूचना एवं आवश्यक कामयाही हेतु


उपर चिन्ह
28/2/03

18/2/03
28/2/03