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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

...

ORIGINAL APPLICATION NO.290/00102/2018

DATE OF DECISION: 27TH MARCH, 2018

CORAM:

HON'BLE MR. SURESH KUMAR MONGA, MEMBER (J)

T.VENKATA RAMANA S/O SH. T.VENKATAIAH AGED ABOUT 56 YEARS, R/O QUARTER NO. 107/4, TYPE IV, SHAITAN SINGH ENCLAVE, ARMY AREA, JODHPUR, PRESENTLY WORKING ON THE POST OF JOINT DIRECTOR (UNDER SUSPENSION) UNDER HEAD QUARTER'S CHIEF ENGINEER MES, JODHPUR

...APPLICANT

(BY ADVOCATE: SHRI S.K.MALIK)

VERSUS

- 1. UNION OF INDIA THROUGH THE SECRETARY, MINISTRY OF DEFENCE, RAKSHA BHAWAN, NEW DELHI.**
- 2. UNDER SECRETARY, GOVERNMENT OF INDIA, MINISTRY OF DEFENCE, RAKSHA BHAWAN, NEW DELHI.**
- 3. THE CHIEF ENGINEER, HEAD QUARTER, MILITARY ENGINEERING SERVICE (MES), JODHPUR**

...RESPONDENTS

(BY ADVOCATE:)

ORDER (ORAL)

THE APPLICANT WAS POSTED AS GARRISON ENGINEER (P) AT

BIKANER IN THE MONTH OF FEBRUARY, 2015. DURING THE TENOR OF HIS POSTING AT BIKANER, HE WAS INVOLVED IN A CRIMINAL CASE REGISTERED BY THE CENTRAL BUREAU OF INVESTIGATION, JODHPUR AND HE WAS DETAINED IN CUSTODY ON 12TH JULY, 2017 FOR A PERIOD EXCEEDING 48 HOURS. VIDE ORDER DATED 18.8.2017, WHILE INVOKING THE PROVISIONS OF RULE 10(2) OF THE CCS (CCA) RULES, 1965, THE RESPONDENT NO.1 PLACED HIM UNDER SUSPENSION W.E.F. 12.07.2017. THE PLEADED CASE OF THE APPLICANT IS THAT AFTER THE APPLICANT'S SUSPENSION, HE SHOULD HAVE BEEN CHARGESHEETED FOR THE ALLEGED MISCONDUCT, BUT NO CHARGESHEET HAS BEEN ISSUED TILL DATE. HOWEVER, HIS SUSPENSION PERIOD HAS FURTHER BEEN EXTENDED VIDE ORDER DATED 6.10.2017 FOR 180 DAYS I.E. UPTO 7.4.2018. AGGRIEVED BY THE ORDER OF SUSPENSION, THE APPLICANT SUBMITTED A REPRESENTATION DATED 1.11.2017 WITH THE RESPONDENT NO.1 AND BY REFERRING THE PRINCIPLES LAID DOWN BY THE HON'BLE SUPREME COURT IN THE CASE OF AJAY KUMAR CHOUDHARY VS. UOI AND ORS, (2015) 7 SCC 291 AND DOPT CIRCULAR DATED 23.8.2016 REQUESTED FOR REVOCATION OF THE ORDER OF HIS SUSPENSION. THEREAFTER, THE APPLICANT WAS TRANSFERRED TO HQ, CHIEF ENGINEER, JODHPUR AND AS SUCH HE PRESENTED HIS JOINING REPORT ON 15.1.2018 UNDER SUSPENSION IN THE OFFICE OF RESPONDENT NO.3. HE GAVE REMINDER LETTER DATED 23.1.2018 TO RESPONDENT NO.1 FOR TAKING A DECISION OVER HIS REPRESENTATION DATED 1.11.2017. IT IS THE CASE OF THE APPLICANT THAT DESPITE SAID REMINDER, NO ACTION HAS BEEN TAKEN BY RESPONDENT NO.1 ON HIS REPRESENTATION.

2. AT THE VERY OUTSET, SHRI S.K.MALIK, LEARNED COUNSEL FOR THE APPLICANT SUBMITTED THAT THE APPLICANT WOULD BE SATISFIED IF A TIME BOUND DIRECTION IS GIVEN TO RESPONDENT NO.1 TO DECIDE HIS REPRESENTATION DATED 1.11.2017.

3. IN VIEW OF ABOVE SUBMISSIONS MADE BY THE LEARNED COUNSEL FOR THE APPLICANT, I DEEM IT APPROPRIATE TO DISPOSE OF THE INSTANT OA BY ISSUING DIRECTION TO RESPONDENT NO.1 TO DECIDE THE APPLICANT'S REPRESENTATION IN A TIME BOUND MANNER.

4. ACCORDINGLY, THE INSTANT OA IS DISPOSED OF. THE RESPONDENT NO.1 IS DIRECTED TO TAKE A DECISION ON THE APPLICANT'S REPRESENTATION DATED 1.11.2017 IN ACCORDANCE WITH THE PRINCIPLES LAID DOWN BY THE HON'BLE SUPREME COURT IN THE CASE OF AJAY KUMAR CHOUDHARY (SUPRA) AND SUBSEQUENT OM DATED 23.08.2016 ISSUED BY THE DEPARTMENT OF PERSONNEL AND TRAINING, GOVERNMENT OF INDIA, WITHIN A PERIOD OF TWO MONTHS FROM THE DATE OF RECEIPT OF A CERTIFIED COPY OF THIS ORDER.

5. ORDERED ACCORDINGLY. THERE SHALL BE NO ORDER AS TO COSTS.

(SURESH
KUMAR MONGA)

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MEMBER (J)
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