

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

(6)

O.A. NO .1480/2003

NEW DELHI 15TH DAY OF SEPTEMBER 2003

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Sh. Dinesh Kumar Sharma  
Peon, National Institute of Science  
Communication and Information Resources,  
Dr. K S Krishnan Marg Near Pusa New Delhi

C/o Naresh Kumar R/o T-517/D-53,  
Baljeet Nagar,  
New Delhi - 110008

.....Applicant.

(By none)

VERSUS

1. Council for Scientific and Industrial Research  
through its director General,  
Anusandhan Bhawan,  
Rafi Marg, New Delhi 110 001.
2. Sh. V K Gupta,  
Director,  
National Institute of Science  
Communication and Information Resources,  
Dr. K S Krishnan Marg Near Pusa New Delhi

.....Respondents

(By none)

ORDER (ORAI)

None appeared for the parties. OA is disposed of in  
terms of Rule 15 and 16 CAT (procedure) Rules.

2. Applicant impugns respondents Memo dated  
16.4.2003 placing him under suspension under Rule 10(1) CCS  
(CCA) 1965, hereinafter refer to as Rules. Applicant while  
working as peon was placed under suspension with effect from  
16.4.2003 on a contemplated disciplinary proceedings.

3. Vide Memo dated 25.7.2003 ; applicant has been issued a major penalty charge sheet under rule 14 of the Rules ibid alleging spread of baseless allegations of corruption against senior officers vitiating the working atmosphere of the Institute. The enquiry is to be further continued.

4. Applicant assails his suspension on the ground that Rule 10(1) of the Rules ibid requires mention of contemplated proceedings in the order of suspension. On investigation of the case there is no ground for suspension.

5. It is stated that respondents have not passed the impugned order in public interest but personal bias of respondent No. 2 who wanted the applicant to give a false complaint indicating other employees. On refusal by the applicant he was punished.

6. It is stated that placing a government servant under suspension on establishment of prima facie case and if there is no apprehension of hampering the disciplinary proceedings in any manner ; the unnecessary suspension is to be avoided.

7. Respondents in the reply filed <sup>L</sup>vehemently replied the contention and took a preliminary objection that applicant had failed to file the statutory remedy under Rule 23 of the Act by filing an appeal against the order of suspension. As such OA is barred under section 20 of the Administrative Tribunal Act 1985.

8. On merits it is contended that applicant had been placed under suspension and an investigation has been carried out on a contemplated proceedings for alleging conduct of the applicant which is within the ambit of Rule 10(1).

9. It is stated that by subsequent issuance of charge-sheet the suspension of applicant is justified. The allegations against applicant are grave making false accusation against the senior officers.

10. I have carefully considered the rival contentions of the parties and perused the material on record. Against the order passed under Rule 10(1) placing the applicant under suspension on contemplated proceedings, the statutory remedy is available to the applicant under Rule 23(1) of the CCS (CCA) Rules 1965.

11. Admittedly, as the aforesaid remedy has not been exhausted the present OA is not maintainable in view of Section 20 of AT Act 1985 which requires an application to be admitted after exhausting of available remedies under the Rules.

12. In view of the matter, the present OA is dismissed for non exhausting of departmental remedies with liberty to the applicant to avail the remedy in accordance with Rules and thereafter if aggrieved, to approach this Court in accordance with law.

S. Raju

(Shanker Raju)  
Member (J)

Patwal/