

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2594 OF 2003

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New Delhi, this the 23rd day of October, 2003

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

H.K. Pal, S/o Late B.M. Pal
GI-1053, Sarojini Nagar,
New Delhi-110023.

.....Applicant

(By Advocate : Shri A.K. Trivedi)

Versus

1. Union of India,
Through its Secretary,
Ministry of Finance
North Block, New Delhi.
2. The Joint Secretary
Govt. of India, Ministry of Finance
Department of Economic Affairs
North Block, New Delhi.
3. The National Savings Commissioner
4th floor, CGO Complex, A Block
Seminary Hills, Nagpur-440006.
4. The Regional Director
National Savings, ICCW Building
4, Deen Dayal Upadhyaya Marg, New Delhi.

.....Respondents

ORDER (ORAL)

This application has been filed under section 19 of the Administrative Tribunals Act, 1985 claiming a direction to the respondents to issue orders of revocation of suspension of the applicant.

2. It is claimed by the applicant that while working as District Saving Officer in the office of respondent no.4, the applicant was placed under suspension vide order dated 30.9.1999. The learned counsel further informed that later on a chargesheet was served on 5.1.2000 and the inquiry officer has submitted his inquiry report to the disciplinary proceedings and the same was supplied to the applicant

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vide order dated 23.1.2003. The learned counsel of the applicant states that as per the provision contained in CCS (CCA) Rules, 1965, it is an obligation on the part of the disciplinary authority to revoke the suspension after the final order in pursuance to the issue of chargesheet was finalised. The disciplinary authority has imposed the penalty vide order dated 2.5.2003. Thereafter the applicant has submitted an appeal dated 18.9.2003 to the appellate authority for revocation of his suspension and re-instatement. The grievance of the applicant is that in spite of the conclusion of the disciplinary proceedings and in spite of representation his suspension has not yet been revoked and no decision on the aforesaid appeal made has been communicated.

3. On the facts as stated by the applicant mentioned hereinbefore, interest of justice will be met by issuing a direction to the respondents at this stage itself without issuing notice on this Original Application. The applicant should have filed an appeal under Rule 23 of the CCS (Conduct) Rules, 1965 against the suspension order. However, in any case, he has made representation/appeal after the conclusion of the disciplinary proceedings, which should be decided by the respondents. In case, no decision has been taken or the decision has not been communicated and the applicant has not been reinstated, it may be done now. In the circumstances, the applicant is directed to send a copy of this order along with a

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copy of the OA to respondent No.2 under intimation to respondent No.3 within two weeks from the date of receipt of a copy of this order. In case, the applicant complies with the aforesaid directions, the respondent No.2 is directed to pass a speaking order within a period of four weeks from the date of receipt of a copy of this order along with the copy of the Original Application.

4. In view of the directions contained in the preceding paragraph, this OA is disposed of at the admission stage without any order as to cost.

Urgent
(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER

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