

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17098 of 2015

=====

1. Om Prakash son of Shri. Surya Lal, SDO-III, Office of the Defence Estates Officer, JOB Circle, Danapur Cantt, District- Patna

.... Petitioner/s

Versus

1. The Union of India through the Director General, Defence Estates, Ministry of Defence, Raksha Sampada Bhawan, Allan Battar Marg, Government of India, Delhi Cantt.- 110010.
2. The Principal Director, Defence Estates, Central Command, Lucknow Cantt.- 226002.
3. The Defence Estates Officer, JOB Circle Danapur Cantt., District- Patna-801503.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pradip Kumar

For the Respondent/s : Mr. S.D.Sanjay(Addl. Solicitor General of India) &
Mr. Satyavrat Verma(C.G.C.)

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 15-12-2015

With consent of parties, instead of considering I.A.No. 9335 of 2015 for stay, the matter has been heard finally, and at this stage the writ petition itself is being disposed of.

2. The present writ petition is directed against the order of the Central Administrative Tribunal, Patna Bench, Patna, passed in O.A.No.050/00002/2015 on 27-8-2015, by which the O.A. application has been dismissed.

3. The petitioner had moved the Tribunal for setting aside the continuance of his suspension. The Tribunal has looked into

the records and held that from time to time the Review Committee/Board reviewed the matter and extended the suspension period, as contemplated in Rule 10(6) of CCS(CCA) Rules.

4. Learned counsel for the Army states that the charges have already been framed and served upon the petitioner, and disciplinary proceeding had started.

5. In that view of the matter, considering the nature of the allegations, we are not inclined to interfere in the matter at this stage. However, it is made clear that subject to the writ petitioner cooperating in the disciplinary proceeding, the proceeding must come to an end within a period of one year from today i.e., within this period the preliminary enquiry and the enquiry before the disciplinary authority must conclude. If it does not so conclude, then the suspension of the petitioner would automatically stand vacated, subject to whatever order may be passed by the disciplinary authority upon conclusion of the disciplinary proceeding.

6. With these observations and directions, this writ petition is disposed of.

(Navaniti Prasad Singh, J)

B.K.Roy/-

(Nilu Agrawal, J)

U			
---	--	--	--