

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.17124 OF 2018

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was moved by way of a lunch motion. The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of 'Writ of Certiorari' declaring the action of the Respondents more particularly the Respondent Nos.2 & 3 in having passed the Suspension Order dt.07-03-2018 passed by the Respondent Nos.2 & 3 against the Petitioner as illegal, arbitrary, unlawful and against Article 14 and 16 of the Constitution of India and quash and set-aside the Suspension Order dt.07-03-2018 passed by the Respondent Nos.2 & 3 by way of Letter No.4202/CBI/DV-1 (ROHIT) forwarded vide Letter No.78846/SPM-SER Pers/DQA (R&S)/TC/89 pending adjudication of the matter finally before the Armed Force Tribunal Chennai in O.A.No.95 of 2018 and may pass such Order or Orders as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.'

Perusal of the order passed by the Armed Forces Tribunal at Chennai on 18.04.2018 in O.A.No.95 of 2018 demonstrates that the respondents therein sought time to file their reply and the matter was adjourned to 13.06.2018.

The petitioner-applicant was placed under suspension under order dated 07.03.2018.

Sri K.Jamali, learned counsel for the petitioner-applicant, does not dispute the fact that the allegation levelled against his client, a member of a uniformed service, is grave and that Para 349 of the Disciplinary and Service

Rules Volume I warrants suspension of an officer even if his character or conduct is impugned.

We are not inclined to interfere with the order of suspension at this stage when the Tribunal is seized of the matter. It is for the petitioner-applicant to make out his case before the said Tribunal after the reply is filed by the respondents in the O.A.

Leaving it open to him to do so, the writ petition is dismissed. We make it clear that we have not gone into the merits of the matter at all and the Tribunal is at liberty to adjudicate the case on its own merits and in accordance with law.

Pending miscellaneous petitions shall also stand dismissed. No order as to costs.



SANJAY KUMAR, J

M. GANGA RAO, J

2nd MAY, 2018

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