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Central Administrative Tribunal, Principal Bench

Original Application No.3349 of 2002

New Delhi, this the 30th day of December, 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. V. Srikantan, Member (A)

R.K. Mirg,
S/o Shri M.L. Mirg,
R/o 131, Punjabi Colony,
Narela, Delhi-110 040

....Applicant

(Appeared in person)

Versus

1. Union of India
through its Secretary,
Department of Revenue,
North Block, New Delhi.

2. Commissioner of Income Tax,
Delhi-IX, Charge
C.R. Building,
New Delhi.

....Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant had been arrested on 7.9.94. He had been admitted to bail on 16.9.94. Keeping in view the above said period of detention, he was suspended under Rule 10 (2) of the CCS (CCA) Rules, 1965. In other words, it was a deemed suspension.

2. The grievance of the applicant in this regard is that no fresh suspension order has been passed and this order of deemed suspension came to an end when he was admitted to bail. In support of his claim, the applicant relies upon the judgement of the Delhi High Court in the case of Rajiv Kumar vs. Union of India in C.W.P.4746/2001 decided on 31.5.2002 and an order of this Tribunal passed



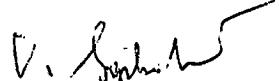
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in O.A.1761/2001 decided on 9.12.2002.

3. At this stage when rights of the respondents are not likely to be affected, we deem it unnecessary to issue a show cause notice before disposing the present application.

4. Taking stock of the totality of facts, it is directed that respondent no.2 would consider the said question referred to above and pass a speaking order within one month of the receipt of the certified copy of the present order in accordance with law and communicate it to the applicant. With these directions, the O.A. is disposed of.


(V. Srikantan)

Member(A)


(V.S. Aggarwal)
Chairman

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