

Central Administrative Tribunal, Principal Bench

Original Application No.61 of 2002

New Delhi, this the 8th day of January, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. M.P. Singh, Member (A)

J.P. Singh  
s/o late Shri Krishanlal  
r/o 226/B-35  
Indirapuram (Sabungodam)  
Meerut

....Applicant

(By Advocate: Shri H.C. Sharma)

Versus

1. Union of India through  
The Secretary,  
Ministry of Health & Family Welfare,  
Nirman Bhawan, New Delhi

2. Director, Health Services  
Government of India,  
Nirman Bhawan, Delhi

3. Director General, Health Services  
Govt. of India,  
Nirman Bhawan, New Delhi

4. Additional Director, CGHS  
Government of India  
102, Soti Gang, Begum Bridge  
Meerut

....Respondents

O R D E R (ORAL)

By Hon'ble Mr. M.P. Singh, M(A)

The applicant who was working as Office Superintendent since 1993, was deemed to have been placed under suspension w.e.f. 4.6.96. He has been convicted by the Trial Court under Section 7, 13(1)D read with Section 13(2) of Prevention of Corruption Act on 17.10.2001 by the Special Judge, CBI, Dehradun. The applicant has filed an appeal against the aforesaid order of the Special Judge, CBI in the High Court of Uttarakhand, which is pending. The applicant is due to retire on superannuation w.e.f. 31.1.2002. He has, therefore, made a prayer by seeking direction to

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respondents to revoke the suspension order dated 10.6.96 as the trial of the applicant is over. Since the applicant is to retire shortly on 31.1.2002, he has prayed for revocation of suspension order so that he becomes entitled for grant of provisional pension.

2. The respondents have passed an order dated 20.8.96 wherein it has been stated that they have considered the request of the applicant dated 30.7.96 but the same has been rejected. It has been stated by the respondents in the aforesaid order that the suspension of the applicant will continue till the conclusion of the trial which has already commenced. Now since the trial has been concluded and the applicant has been convicted, there is no ground to revoke his suspension although he has filed an appeal in the High Court which is still pending. The Hon'ble Supreme Court in a recent judgement in the case of K.C.Sareen vs. CBI, Chandigarh, 2001 (4) SCALE 644 has held that "when conviction is on a corruption charge against a public servant, the appellate court or the revisional court should not suspend the order of conviction during the pendency of the appeal even if the sentence of imprisonment is suspended."

3. In view of the law laid down by the Hon'ble Supreme Court in the case of K.C.Sareen (supra), the OA is found to be devoid of merit and is dismissed at the admission stage.

*m/s*  
( M.P. Singh )  
Member (A)

*m/s*  
( Ashok Agarwal )  
Chairman