

Central Administrative Tribunal,
Principal Bench

O.A. No.2380/2002

New Delhi this the 16th day of Sept., 2002

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. M. P. Singh, Member (A)

Shri S.K. Bagga
S/o Late Shri Sakhir Chand,
R/o A-7, Chander Nagar,
Janak Puri,
New Delhi-110058.

(By Advocate : Shri V.S.R. Krishna)

- Applicant

Versus

Union of India through

1. The Secretary,
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi.
2. The Chief Commissioner of Income-Tax-III,
Central Revenue Building,
I.P. Estate,
New Delhi.
3. The Commissioner of
Income tax,
Delhi-VII,
Central Revenue Building
I.P. Estate, New Delhi.

- Respondents

ORDER (ORAL)

Mr. Justice V.S. Aggarwal, Chairman:

The case for the offence of forgery had been under investigation against the applicant. As such, he has been arrested. As a result of the above said fact, the applicant was suspended under sub Rule (2) of Rule 10 of the Central Civil Services (Classification, Control and Appeal), 1965. It happens way-back in 1993.

2. Applicant had earlier filed OA 735/1998, On 16.1.2002, this Tribunal had disposed of the said application with a direction to the respondents to obtain a report from the Investigating Agency and also the

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opinion of the Handwriting expert. It was held that if the administrative department finds that the applicant had not committed forgery, it may revoke the applicant's suspension. Subsequently, the applicant preferred CP 162 of 2002, which was dismissed by this Tribunal on 5.7.2002. It was held that the petition was not maintainable. As a result of dismissal of CP, the applicant has chosen to file the present OA, complaining that he has been still under suspension for the past almost nine years and no decision is likely to take place in the pending trial before the Learned Metropolitan Magistrate Delhi. In these circumstances, according to the applicant, he is entitled to revocation of the impugned order suspending him from service.

3. The department had passed an order refusing to revoke the suspension of the applicant dated 29.5.2002. Perusal of it clearly reveals that the report under Section 173 of Criminal Procedure Code had since been filed in Court.

4. Learned counsel very fairly states that the said report has been filed in the year 1994 to which charge has yet not been framed. According to the learned counsel, the cause of delay is the other accused person. At this stage, keeping in view the tenor of the earlier order passed by this Tribunal, particularly the order dated 16.1.2002, when the Investigating Agency had already found that the applicant has committed the said offence as a result of which the administrative department does not deem it proper to revoke the

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suspension order, there is no ground for this Tribunal to interfere. However, we make it clear that if there is any further delay, the department would be competent to revoke the said suspension order, particularly when we are told that the applicant is attaining the age of superannuation in the year 2004. Subject to the aforesaid observation, the present OA is dismissed.

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

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(V.S. Aggarwal)
Chairman

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