

Central Adminisrative Tribunal
Principal Bench

O.A.No.1849/2002

Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 11th day of December, 2002

Shri Jai Bhagwan Sharma
s/o Shri O.D.Sharma
r/o A-295, Prashant Vihar
Delhi. Applicant

(By Advocate: Sh. S.K.Gupta)

Vs.

1. Govt. of NCT of Delhi
through Chief Secretary
Delhi Secretariat
IG Stadium, IP Estate
New Delhi.
2. Director
Directorate of Education
Old Secretariat
Delhi.
3. Deputy Director of Education
District North-West (B)
F.U.Block, Pitam Pura
Delhi. Respondents

(By Advocate: Sh. George Parackin)

O R D E R (Oral)

By Shri Shanker Raju, M(J):

Applicant, on account of pendency of criminal case, was placed under suspension under Rule 10(1) of CCS (CCA) Rules, 1965 w.e.f. 9.7.1999 vide order dated 27.7.1999 issued by the Deputy Director of Education.

2. Having regard to all the aspects of the criminal case, competent authority by exercising the power under sub-rule 5 (c) of Rule 10 of the Rules ibid revoked the order of suspension with immediate effect.

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3. Applicant being aggrieved with the order passed by the Deputy Director of Education on 9.7.2002 whereby he has been placed again under suspension under Rule 10(1) of the Rules ibid, it is contended that there was no justification of the circumstances which could have warranted to place the applicant under suspension again, once the competent authority has decided to revoke the same. It is further stated that no reasons have been assigned as to what circumstances warranted by the Deputy Director of Education to place the applicant under suspension when neither the applicant has in any manner influenced the witnesses or tampered the record or any other material existed with the respondents to justify the same.

4. On the other hand, respondents' counsel filed reply and stated that since the suspension order issued on 9.7.2002 has been revoked on 12.11.2002, this OA has rendered infructuous. Moreover, it is stated that there are no instructions on revocation of suspension of an employee the same cannot be reviewed and he cannot be placed under suspension.

5. I have carefully considered the rival contentions of the parties and perused the material on record.

6. It is not disputed that even after revocation of suspension the services can be placed again under suspension, if the circumstances so warranted. But in the instant case, I find that once a conscious decision has been taken by the Deputy

Director of Education to revoke the suspension of the applicant in 1999, and in absence of any justified reasons, later action of the respondents again to put the applicant under suspension, cannot be sustained. Moreover, suspension can be reviewed and employee can be placed under suspension particularly those who are involved in criminal on the evidence that they are instrumental in any manner in tampering the records and influencing the witnesses. As no such material has been produced which could have justified their action, impugned orders are not legally sustainable and are accordingly quashed and set-aside. Applicant is to be treated as on duty from 9.7.2002 till the suspension is revoked on 12.11.2002, and shall be entitled for all consequential benefits within two months from the date of receipt of a copy of this order. OA is accordingly disposed of. No costs.

S. Raju
(Shanker Raju)
Member (J)

/rao/