



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 513/2020

New Delhi, this the 27th day of February, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Zahid Ali Siddiqui, Age – 49, Group A
(Superintendent), S/o Shri Mohd. Jafar Ali,
H. No. 1080. III Floor, Main Road,
Farashkhana, Delhi – 110006.

...Applicant

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

Versus

Government of NCT of Delhi
Through:

1. The Chief Secretary,
Government of NCT of Delhi,
Delhi Secretariat, Sachivalaya Road,
IP Estate, New Delhi.

2. The Dy. Director (Vigilance),
Department of Social Welfare,
Govt. of NCT of Delhi,
GLNS Complex, Delhi Gate,
Delhi – 2.

...Respondents

(By Advocate: Mr. Amit Yadav)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman:-

The applicant is working as Superintendent in Half Way Home, Sector – 22, Rohini being established and run by Government of National



Capital Territory of Delhi (GNCTD). Through an order dated 18.12.2018, he was placed under suspension in exercise of Powers under rule 10(1) of CCS (CCA) Rules, 1965 in contemplation of disciplinary proceedings. The suspension was extended through order dated 15.03.2019 and thereafter was extended from time to time, latest of it being the one on 11.12.2019 for a period of 180 days. This OA is filed challenging the order of suspension as extended from time to time.

2. The applicant contends that there were absolutely no allegations of misconduct against him and he was placed under suspension in an arbitrary manner. It is also stated that despite repeated extensions, the respondents did not even issue a charge memorandum and he is put to serious hardship and humiliation.

3. The OA was listed for hearing on 20.02.2020. Notices were accepted on behalf of the respondents and today the counter affidavit, together with supporting documents is filed. It is stated that the applicant was issued a charge memorandum dated 21.02.2020 and in view of



that there is no need to interfere with the order of suspension.

4. We heard Mr. V. S. R. Krishna, learned counsel for the applicant and Mr. Amit Yadav, learned counsel for the respondents at length.

5. The applicant was placed under suspension on 18.12.2018, in contemplation of disciplinary proceedings. It was only after the OA was filed and notices were issued, that a charge memorandum was issued on 21.02.2020. With the issuance of charge memorandum, a totally different situation emerges altogether. The time limit stipulated under Rule-10 as regards the operation of order of suspension ceases. Now it needs to be seen, as to whether, continuous suspension of the applicant is warranted in the light of charge memorandum.

6. It hardly needs any mention that the need to place an employee under suspension is to ensure that he does not meddle in the enquiry process or the one of collection of material referable to the misconduct or to ensure that he does not influence the witnesses. Sometimes if the charges are grave, the employee needs to be kept



out of duties so that his misconduct or misbehaviour does not affect the functioning of the office. In the instant case, the charge memorandum is already issued. Therefore, the question of applicant meddling with the process does not arise.

7. The limited verification is only as regards the justification of suspension and not about the truth or otherwise of the allegations. Even this limited exercise, we are undertaking in view of the fact that an employee is required to be paid Subsistence Allowance, in huge sums, that too, without extracting any work. In the instant case, the allegations against the applicant are that the verification of the various items of rehabilitation home such as Water Jugs, Washing Powder, Talcum Powder disclosed some discrepancies. There again, the discrepancies are as low as one or two items in respect of Washing Powder and Talcum Powder, and the value of the total negligence or indifference is said to be Rs. 85,000/-. Hardly it equals for the Subsistence Allowance paid to the applicant for a month.



Assuming all the charges as proved, the amount can only be recovered.

8. We, therefore, dispose of the OA directing the respondents to take a decision as to how far it is in the interest of the organization to continue the applicant under suspension by paying the huge amount towards Subsistence Allowance and whether the interest of the department is not protected by transferring him to another place. This exercise shall be completed within a period of 15 days from the date of receipt of certified copy of this order. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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