

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

OA 2040/2001

New Delhi, this the 31<sup>st</sup> day of December, 2001

Shri Govindan S. Tampi, Member(A)  
Shri Shanker Raju, Member(J)

Dr.M. Manuneethi Cholan  
S/o Late Shri S. Marimuthu  
Age about 43 years  
Deputy Director Inspection  
Company Affairs, Chennai. ....Applicant  
(By Advocate: Shri K.B.Balgopal)

Versus

Union of India  
Though Secretary,  
Ministry of Justice & Company Affairs  
Shastri Bhawan, New Delhi. ....Respondent.  
(By Advocate: Shri Adis C.Aggarwal)

O R D E R

By Hon'ble Govindan S.Tampi, Member(A)

Reliefs sought in this OA filed by Dr. M.Manuneeth Cholan, the applicant as are below:-

a) quash the order of suspension, No.C-13011/43/2000-Vig dated 26.7.2000 issued by the respondents placing the petitioner under deemed suspension.

b) quash such other consequential relief or reliefs deemed fit.

2. Heard Shri K.N.Balgopal and Shri Adis C.Aggarwala along with Shri Neeraj Goel learned counsel appearing for the applicant and the respondents respectively.


3. Facts as brought out in the OA are that the applicant who was a Sr. Lecturer in Commerce in Tamilnadu, joined Central Government in the Department of Company Affairs in 1990, where on 30.9.96, he became a Dy. Director

(Inspection) at Mumbai. While he was on study leave at Mumbai, he was appointed as Private Secretary to the Hon'ble Minister of Justice and Company Affairs, which he had to take up albeit reluctantly. Though he had always remained apolitical, because of the prevailing confrontational political climate, he was raided by the CBI though with no result. Still he was placed in custody, wherefrom he was enlarged on bail only after 23 days which led to his deemed suspension. His representation for revocation of suspension had not evoked any responses, and he has remained under suspension though 16 months have gone by. CBI is yet to file the charge-sheet but are understood to have indicated that they had no objection to his suspension being revoked. Regional Director, Chennai under whom he was working also had reportedly addressed the Ministry for revoking his suspension. The applicant points out that the inaction of the respondents to revoke the suspension was illegal as in spite of 16 months having passed by no charge-sheet has been issued and CBI had themselves expressed a view that they had no objection to the revocation of suspension. Suspension was being prolonged only to harass him, and that the whole exercise smacked of political vendetta. The above were strongly urged and reiterated during the oral submissions before us.

4. Rebutting the above and reiterating the pleas made by the respondents Shri Adish C. Aggarwala, learned Sr. Counsel for the respondents points out that the applicant who was a Member of Company Law Service was placed under suspension following his arrest and detention in custody for a period of

more than 48 hours Investigations were initiated against the individual following the filing of a FIR indicating that he amassed wealth to-tally disproportionate to his known sources of income during 1994-2000. In the beginning he was not cooperating with the investigation and he surrendered only after a non bailable warrant was issued to him. While it was true that the applicant had represented seeking revocation of his suspension the same was not agreed to by the competent authority keeping in mind the serious incriminating facts unearthed by the CBI and in public interest. CBI had no doubt, indicated their no objection to the revocation of the suspension, leaving it to the respondents to decide upon it. They were continuing with the investigation and has not dropped it. That being the case there was no ground for the applicant to plead that the suspension be revoked. The OA was primarily devoid of any merit and be dismissed, is what Sr. Aggarwala urges.

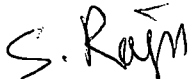
5. We have carefully considered the matter. The only point for determination is whether the applicant's request for revocation for his suspension should be granted or not. Undisputed facts in this case are the initiation of investigation against the applicant by CBI on the basis of a FIR alleging possession of assets disproportionate to known sources of income, his surrender in the Court on 10.7.2000 followed by his detention for 23 days and suspension dated 26.7.2000. It is seen that no charge-sheet as yet has been filed though 16 months have gone by. CBI is also understood to have indicated that they had no objection to the revocation of the applicant's suspension. Competent

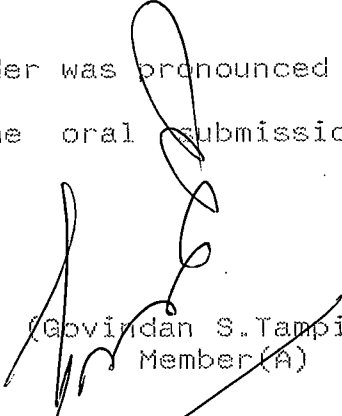


Authority has however decided against the revocation, keeping in mind the seriousness of the allegation and the fact that CBI's investigation is still pending. Under normal circumstances when investigations involving charges of corruption and amassing of wealth disproportionate to known sources of income are in progress revocation of suspension of the individual concerned, <sup>it</sup> would not be in order and the Tribunal would not be inclined to interfere in the process of law. Somehow ~~in~~ this case nothing is known as to what stage the investigation has ~~been~~ though 16 months have elapsed and CBI also has admittedly indicated that they do not object to the revocation of the suspension, meaning thereby that in their view the applicant would not be able to interfere with the investigation. It is however, for the competent authority, i.e., Govt. to take a decision. <sup>by CBI</sup> They are awaiting the completion of the investigation <sup>by CBI</sup> keeping in view the seriousness of the ~~the~~ allegations. In the circumstances we feel that a fair and proper decision should be to give some time more to the respondents and direct them to take action for favourably considering the representation of the applicant. At this time learned counsel for the respondents points out that it may not be possible for the respondents to direct the CBI to complete the exercise in a short time. We do not see any merit in the argument as in our view respondents can indicate <sup>to</sup> the CBI of the decision of the Tribunal and advise them to have the investigation completed expeditiously and then take action. This should not cause any problem at all.

6. In the above view of the matter we are disposing of this OA directing the respondents to move the CBI with a copy of this order for completion of the investigation against the applicant within four months from now <sup>and</sup> in any event by before the end of April, 2002 - and take action in pursuance thereof on the representation of the applicant while undertaking the next <sup>quarterly</sup> review for revocation of his suspension. Respondents shall also while dealing with the representation bear in mind the facts that the CBI has already expressed their view that they had no objection to the revocation of suspension and that this extended time is being granted to the respondents in the interest of justice of all concerned. No cost.

7. Operative portion of the order was pronounced in the open court at the conclusion of the oral submissions on 12.12.2001.

  
(Shanker Raju)  
Member (J)  
/kd/

  
(Govindan S. Tampi)  
Member (A)