

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO. 255/2001

(10)

Wednesday, this the 13th day of March, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Madan Singh Rana
s/o Late Shri Alam Singh
R/O A-50/3, Ganesh Nagar
Near Tilak Nagar, New Delhi

..Applicant

(By Advocate: Shri P.T.S.Murthy)

Versus

1. Union of India
through its Secretary to
Govt. of India
Ministry of Labour
Shram Shakti Bhawan
Rafi Marg, New Delhi

2. The Director General of
Employment and Training,
Shram Sakti Bhawan
Rafi Marg, New Delhi

3. The Director
Central Institute for Research
& Training in Employment Services
Pusa, New Delhi-12

..Respondents

(By Advocate: Ms. Harvinder Oberoi)

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi:

The applicant, who was a UDC in the Office of the Director of the Central Institute for Research & Training in Employment Services, Pusa, New Delhi, has been hauled up in a series of criminal cases, all relating to offences committed under Sections 420, 468 and 471 of the IPC read with Section 120-B of the Code. In that connection, he was first placed under suspension in 1982 but was, after a period of five years of suspension, rehabilitated/ reinstated. Much earlier, in 1979, the applicant had been reverted to the post of LDC and had continued to work in that capacity only. He was a LDC

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when he was placed under suspension in 1982 and was accordingly rehabilitated as LDC in 1987.

2. Of the six criminal cases launched against him from time to time, four have ended in acquittal leaving the remaining two which are still pending in the competent court. The latest, which is still pending, arises from FIR 288/99. The applicant will retire on reaching the age of superannuation in the next two years.

3. The learned counsel appearing on behalf of the applicant has only one submission to make which is that the spirit of the instructions issued by the respondents requires that officials under suspension ^{& for long} should be reinstated after a review of the facts and the circumstances. According to him, if such a review is properly and carefully made in the case of the applicant, grounds will become available for ordering his reinstatement.

4. The learned counsel appearing on behalf of the respondents, on the other hand, submits that the present OA is not maintainable on the ground that the respondents have already, after a review of his case, passed a fresh Office Order on 5.6.2000 (R-V) by directing that the applicant shall continue to be under suspension until termination of all or any of ~~such~~ ^{& the} proceedings in FIRs # 232/89 and 288/99 or till further orders in terms of Sub-Rule 5(b) of Rule 10 of CCS (CCA) Rules, 1965, but the same has not been challenged in the present OA. According to her, the aforesaid order of 5.6.2000 has

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been passed, inter alia, on the ground that the applicant had concealed the fact of his arrest on 26.11.1999 in the wake of the aforesaid FIR 288/99 filed against him under Sections 420, 468 and 471 of the IPC read with Section 120-B of the same Code.

5. We have considered the submissions made by the learned counsel on either side. We have also perused the Rule 10(5)(b) of the CCS (CCA) Rules, 1965 which permits passing of a fresh order of suspension in continuation of such orders already in force in the facts and the ~~prevailed~~ circumstances as have ~~prevailed~~ in the present case. We are satisfied that the respondents have the competence to pass such an order by relying on the aforesaid rule. We are also convinced that the present OA cannot be maintained in the face of a fresh order of suspension having been issued on 5.6.2000 without the same being challenged in the present case. The earlier order dated 15.12.1989 under challenge already stands superseded by the aforesaid latest order of 5.6.2000 and the applicant's suspension continues uninterrupted.

6. We have noted that the applicant has remained involved in criminal cases right from 1982 onward. As many as six cases have been registered against him, all relating to serious offences under the IPC. The fact that he has been acquitted in four of them cannot be cited as a ground for showing consideration to the applicant to which he is not entitled strictly in accordance with ~~the~~ Rule 10 of CCS (CCA) Rules. He still stands charged with serious offences, two of which are

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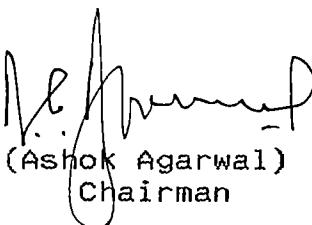
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still pending. In the circumstances, keeping him under suspension despite a period of more than 12 years which has elapsed since he was placed under suspension for the second time in 1989 is, in our judgement, the correct option rightly exercised by the respondents. There is, therefore, nothing wrong with the order of suspension passed either in December, 1989 or with the order lately issued on 5.6.2000 (R-5). We are not inclined to interfere with the aforesaid order.

7. In the light of the foregoing, the OA is dismissed without any order as to costs.


(S.A.T. Rizvi)

Member (A)


(Ashok Agarwal)
Chairman

/sunil/