

Central Administrative Tribunal, Principal Bench
New Delhi

O.A. No.3450/2001



New Delhi this the 6th day of June, 2002

Hon'ble Smt. Lakshmi Swaminathan Vice Chairman (J)
Hon'ble Mr. M. P. Singh, Member (A)

Tribhuvan Nath
working as Senior Accounts Officer,
Ministry of Water Resources,
New Delhi.

- Applicant

(By Advocate : Shri Sachin Chauhan)

Versus

1. Union of India, through -
Secretary,
Ministry of Water Resources,
Shram Shakti Bhawan,
New Delhi-110001.

2. Joint Secretary & Financial Adviser
Govt. of India
Ministry of Water Resources,
Shram Shakti Bhawan,
New Delhi-110001.

- Respondents

(By Advocate : Shri B.S. Jain)

ORDER (ORAL)

Shri M.P. Singh, Member (A)

By filing this OA, the applicant has sought direction to quash and set aside the impugned orders dated 30.1.2001 and 31.1.2001. He has also sought further directions to direct the respondents to grant all consequential benefits from the date he was placed under suspension by the respondents.

2. The brief facts of the case are that the applicant was placed under suspension vide order dated 30/31/1.2001. Thereafter vide order dated 28.2.2001 the respondents have granted subsistence and compensatory allowance to the applicant for a period of three months and the same was extended till further orders vide order dated 28.5.2001. The applicant made a representation to the respondents on 26.6.2001 whereby praying for increase of subsistence allowance



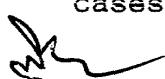
and revocation of suspension order. The case of the applicant has been considered for the increase of substance allowance and the respondents vide order dated 30.7.2001 had enhanced the subsistence allowance for 50% on expiry of a period of three months from the date he was placed under suspension under Sub Rule (1) of Rule 10 CCS (CCA) Rules. Thereafter the applicant has made several representations to the respondents to review this suspension but till date respondents have not reviewed the suspension order.

3. We have heard learned counsel for the rival contesting parties.

4. During the course of the argument, learned counsel for the applicant has submitted that the applicant is retiring on superannuation from service on 30.6.2002. Therefore, it is necessary to review the suspension order issued by the respondents under the aforesaid rule, as continuance of the suspension till the date of the retirement will adversely effect the retiral dues of the applicant.

5. On the other hand, learned counsel for the respondents has submitted that the investigations are over and the review as required under the rules has already been done by the respondents for enhancement of the subsistence allowance.

6. However, we find that the respondents have not reviewed their order of suspension as required under Chapter 3 Rule 3 (10) 3 of CCS (CCA) Rules. As per the aforesaid guide-lines, the cases of the officers under suspension, the investigation should be completed and a charge-sheet filed in a court of competent jurisdiction in cases of prosecution or served on the officer in cases of departmental proceedings within six months as



a rule. If the investigation is likely to take more time, it should be considered whether the suspension order should be revoked and the officer permitted to resume duty. If the presence of the officer is considered detrimental to the collection of evidence, etc., or if he is likely to temper with the evidence, he may be transferred on revocation of the suspension order.

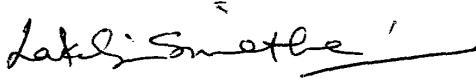
7. It is more than one year since the applicant was placed under suspension. Till now, the respondents have neither issued any charge-sheet to the applicant nor any criminal case has been filed in the court of competent jurisdiction against the applicant. It is, therefore, incumbent on the respondents to review the suspension order in terms of the aforesaid Govt. of India's instructions/guide-lines.

8. For the reasons recorded above, we direct the respondents to hold a review of suspension orders issued on 30/31.1.2001 till 28th June 2002 with intimation to the applicant.

9. The present OA is disposed of in the aforesated terms. No orders as to costs.

10. Let a copy of this order be issued to both the learned counsel.


(M.P. Singh)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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