

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH (5)

O.A. No. 484/2001

New Delhi: this the 12<sup>th</sup> day of September, 2001.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

T. R. Sharma,  
SDOP (GO-13163),  
EPT-71, Sarojini Nagar,  
New Delhi-22

....Applicant

(By Advocate: Shri S. N. Anand)

Versus

1. Union of India  
through  
Secretary,  
Ministry of Communications,  
(Dept. of Telecom),  
20, Sanchar Bhawan,  
Ashoka Road,  
New Delhi-1

2. The Chief General Manager,  
Mahanagar Telephone Nigam Ltd.  
Khurshid Lal Bhawan,  
New Delhi-50.

3. The General Manager (Vigilance),  
Mahanagar Telephone Nigam Ltd.  
Khurshid Lal Bhawan,  
New Delhi.

....Respondents.

(By Advocate: Shri V. K. Rao with Ms. Anuradha and  
Ms. Priyadarshami).

ORDER

S. R. Adige, VC (A).

Applicant impugns respondents' order dated 27.8.96 (Annexure-A) placing him under suspension and seeks reinstatement.

2. Heard both sides.

3. Applicant is charged with the criminal offence that during the period March-August, 1993 while working

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at Sona Bhawan Telephone Exchange of MTNL, New Delhi he along with certain others, including the directors of a private firm, conspired to divert telephone No. 318899 having STD/ISD on it, to the premises of that private firm in Malcha Marg, New Delhi by tampering with it, and to use the same illegally without the knowledge of MTNL with a view to cause loss to MTNL, Delhi and corresponding gain to themselves.

4. Investigation by CBI resulted in charge sheet, and the case is now pending trial.

5. Applicant's counsel complained that applicant's case for revoking/continuance of suspension was not regularly reviewed after the suspension order was passed on 27.8.96. However, it is not denied that applicant's case was reviewed as recently as 27.7.2001 (copy of order taken on record) by respondents who have not found it possible to revoke his suspension at this stage.

6. <sup>~ Counsel</sup> Applicant has relied upon the CAT PB order dated 6.2.2001 in OA No. 833/2000 Bani Singh Vs. UOI & Ors. in which that applicant's suspension orders were revoked, to seek similar orders in the present case. In particular he has argued that he has been kept under suspension since 27.8.96 i.e. over 5 years and there are no good reasons to continue his suspension any longer. While relying upon Bani Singh's case (supra) applicant has invited our attention to various decisions cited in the body of that order.

7. We have considered the matter carefully.

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(X)

8. Chapter 2 in Swamy's compilation of CCS(CCA) Rules is on the subject of suspension- A digest. Para 1.3 states that suspension <sup>can</sup> ~~is~~ also be ordered as a deterrent to exhibit the firm determination of Govt. to root out corruption or other grave misconduct. Similarly para 4.1(b) provides that a Govt. servant may be suspended under Rule 10(1) CCS(CCA) Rules when a case against him in respect of any criminal offence is under investigation, inquiry or trial.

9. In the present case admittedly, charge sheet has been submitted in the criminal case against applicant and others, and the case is now pending trial.

10. Further in Bani Singh's case (supra), the Bench has referred to the Hon'ble Supreme Court's ruling in UDT & another Vs. G. Ganayutham JT 1997(7)SC 572 wherein it has been held that the court would not interfere with the administrator's decision unless it was illegal or suffered from procedural impropriety or was irrational in the sense that it was in outrageous defiance of logic and moral standards.

11. In the light of what has been noticed above, it cannot be held that respondents' order dated 27.7.2001 declining to revoke applicant's suspension at this stage suffers from any of the infirmities mentioned in para 10 above.

12. Under the circumstance while not interfering in the matter at this stage, we dispose of this OA with a direction to respondents to periodically review the question of continuance of applicant's suspension

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at the prescribed intervals in accordance with rules  
and instructions on the subject. No costs.

A. Vedavalli

(DR. A. VEDAVALLI )  
MEMBER (J)

S. R. Adige  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

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