

Central Administrative Tribunal  
Principal Bench

O.A. No. 20 of 1999  
New Delhi, dated this the 4<sup>th</sup> JUNE 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)  
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Shri P.C. Mishra,  
DANI Civil Service Officer/  
R/o C-7/53, Safdarjung Development Area,  
New Delhi-110016. .... Applicant

(By Advocate: Shri Quiser Kazim)

Versus

Union of India through  
the Secretary to Govt. of India,  
Ministry of Home Affairs,  
U.T. Section, North Block,  
New Delhi. ... Respondents

(By advocate: Shri VSR Krishna)

O R D E R

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

1. Applicant impugns respondents suspension  
order dated 18.3.98 (Ann. I).

2. Applicant's counsel Shri Kazim pressed that  
the O.A. be heard immediately. Accordingly he as  
well as respondents' counse Shri Krishna were  
heard, although respondents are yet to file their  
reply.

3. Rule 10(1)(b) CCS (CCA) Rules empowers the  
competent authority to place a Govt. servant under  
suspension when a case against him in respect of  
any criminal offence is under investigation,  
inquiry or trial. From respondents' order dated  
8.1.99 rejecting applicant's representation dated

(6)

24.8.98 against his suspension it is clear that applicant has been chargesheeted in a criminal case relating to acceptance of illegal gratification.

4. This is supported by the bail order of the Special Judge, Delhi dated 2.3.96 (Ann. II) from which it is clear that applicant is being prosecuted u/s 7 and 13(2) P.C. Act. Applicant relies upon Para 4 of that order in which it has been stated that at that stage there was no evidence of any direction having been given by applicant to the complaint to give money to the other accused Shri Ravi Bhat.

5. The question whether applicant is innocent or not can be determined only when the trial concludes.

6. At the present stage respondents cannot be said to have acted illegal or arbitrarily in issuing the impugned order dated 18.8.98.

7. The O.A. is dismissed. No costs.

*Lakshmi Swaminathan*  
(Mrs. Lakshmi Swaminathan)

Member (J)

*S.R. Adige*  
(S.R. Adige)  
Vice Chairman (A)

/GK/