

Central Administrative Tribunal
Principal Bench

O.A. No. 20 of 1999

New Delhi, dated this the 4th 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)

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

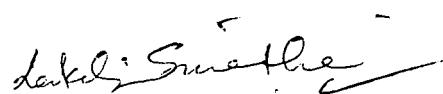
24.8.98 against his suspension it is clear that applicant has been chargesheeted in a criminal case relating to acceptance of illegal gratification.

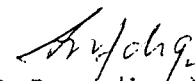
4. This is supported by the bail order of the Special Judge, Delhi dated 2.3.96 (Ann. II) from which it is clear that applicant is being prosecuted u/s 7 and 13(2) P.C. Act. Applicant relies upon Para 4 of that order in which it has been stated that at that stage there was no evidence of any direction 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 illegally⁷ or arbitrarily⁴ in issuing the impugned order dated 18.8.98.

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


(Mrs. Lakshmi Swaminathan)
Member (J)


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

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