

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2432/1999

New Delhi this the 16th day of November, 1999.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

R.B.S.Tyagi S/O Ram Avtar Tyagi,
R/O Qr. No.47/20, Delhi, Admn. Flats,
Rajpur Road,
Delhi-110054.

... Applicant

(By Shri G. R. Matta, Advocate)

-Versus-

1. Union of India through
Secretary, Ministry of Home Affairs,
North Block, New Delhi-110001.
2. Chief Secretary,
Govt. of N.C.T. of Delhi,
5, Sham Nath Marg,
Delhi-110054.
3. Dy. Commissioner of Police,
Anti Corruption Branch,
Govt. of N.C.T. of Delhi,
Old Secretariat,
Delhi-110054.
4. Director of Employment,
Govt. of N.C.T. of Delhi,
2, Battery Lane,
Delhi-110054.

... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

By the present O.A., applicant seeks to impugne an order passed against him on 16th June, 1999 whereby his suspension from service which was earlier ordered has been directed to continue to remain in force until further orders. Earlier order of suspension which was passed on 15th January, 1996 was impugned by applicant by filing in this Tribunal O.A. No.171/98. By an order passed on 14th September, 1998, the Tribunal directed respondents to consider whether the aforesaid

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suspension order dated 15th January, 1996 should be revoked or not, taking into account the relevant facts and Government instructions. The case was accordingly reviewed and by an order passed on 11th January, 1999, the order of suspension was directed to be continued. Aforesaid order was also impugned by ^{the} applicant by filing in this Tribunal O.A. No.566/99. By an order passed on 5th April, 1999, this Tribunal declined to interfere with the order of suspension and dismissed the application in limine. Applicant carried the matter to the High Court and the High Court also declined to interfere with the said order.

2. By the order dated 16th June, 1999 which has now been impugned, applicant has been directed to be kept under suspension till the termination of proceedings against him and till he is fully acquitted. The impugned order, in our view, gives good and cogent reasons for continuing the order of suspension against applicant. The order points out that applicant "is being prosecuted against for a criminal offence relating to manipulation and tampering of official records in order to extend undue pecuniary benefit to a Government servant and the probity in public life demands that public servant charged with such an offence should not be permitted to perform official functions and responsibilities till the termination of proceedings against him and he is fully acquitted." In our view, the order is supported by good and cogent reasons. Hence, it cannot be held that there is no justification for



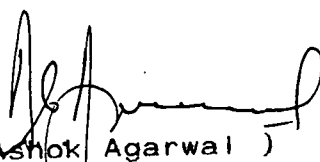
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continued suspension. The decision relied upon by Shri G. R. Matta on the case of Kamal Kishore Prasad v. Union of India, [1990] 13 ATC 853 (CAT) will not be of any assistance to ^{the} applicant.

3. In the circumstances, we find no justification in interfering with the impugned order continuing the suspension of applicant pending disposal of the criminal trial which is pending against him. Chargesheet against applicant has already been filed.

4. In the circumstances, we find the present application devoid of merit. The same is accordingly dismissed. However, applicant will be at liberty to once again apply to the Government for review of his suspension in case there is undue delay in the disposal of the criminal trial.


(Ashok Agarwal)
Chairman


(R. K. Ahooja)
Member (A)

/as/