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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 122/98

New Delhi, this the 20th day of May, 1998

HON'BLE SHRI T.N.BHAT, MEMBER (J)
HON'BLE SHRI S.P.BISWAS, MEMBER (A)

Dr. P.P.Singh s/o Sh. Kundan Singh,
r/o Sector VI, House No. 321,
R.K.Puram, New Delhi.Petitioner

(By Advocate: Mrs. Meera Chhibber)

Versus

Union of India through

Secretary,
Ministry of Health & Family welfare,
New Delhi.Respondents

(By Advocate: Shri S.Mohd. Arif)

O R D E R

delivered by Hon'ble Shri T.N.Bhat, Member (J)-

The applicant has filed this OA assailing the alleged inaction on the part of the respondents to re-instate the applicant. According to the applicant a decision had already been taken by the disciplinary authority to reinstate the applicant which had also been approved by the Minister for Health some time in December, 1997 but even so the applicant has not been reinstated so far.

2. The applicant was at the relevant time working as Chief Medical Officer in the Safdarjung Hospital, New Delhi and was implicated in a criminal case investigated by the Central Bureau of Investigation. He was also taken into custody and remained in custody for

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some time. Consequently, by the order dtd 8.11.1996 he was placed under suspension (deemed) w.e.f. 3.11.1996. However, admittedly, he was granted bail sometime in the month of December, 1996 in the criminal case.

3. The applicant filed OA 1523/97 claiming substance allowance and revocation of his suspension. The Tribunal disposed of that OA by the judgement order dated 17.7.1997 with a direction to the respondents to review the applicant's suspension in accordance with the Rules. In the meantime respondents by order dated 9.1.1997 granting substance allowance to the applicant. However, on review of the applicant's suspension the applicant was informed that vide order dated 16.10.1997 the President had directed that the applicant shall continue to remain under suspension until further orders.

4. It is urged by the applicant that sometime in the month of December, 1997 a decision had been taken with the approval of the Minister concerned that the applicant's suspension should be revoked but that despite the orders of the Hon'ble Minister his suspension has not been revoked so far. It is further averred that continuance of suspension for a unduly long time is not envisaged by the rules and that is why the concerned authorities are duty bound to have a periodical review of cases of suspension.

5. The respondents, despite notice, failed to file their counter. However, learned counsel for the respondents Shri S.Mohd. Arif made available the relevant departmental file which we have perused. We have also

heard the learned counsel for both the parties on the merits of the OA which is being disposed of by this order at the admission stage itself with the consent of both the parties.

6. As already mentioned, the respondents have already undertaken a review of the applicant's suspension in pursuance to the directions of the Tribunal and a decision has been taken that the applicant shall continue to remain under suspension till further orders. The applicant, however, seems to rely upon some decision taken by the concerned disciplinary authority to revoke the applicant's suspension which decision was allegedly approved by the Minister concerned. We have accordingly examined the departmental record and do not find any such orders having been passed which recommended revocation of the applicant's suspension. The matter was examined some time in the month of September, 1997 when it was decided to ask the C.B.I. to give its views whether the applicant's suspension should be continued or revoked and if reply from the CBI is not received within next three weeks, suspension order should be revoked, as there was no point in paying the applicant 75% salary without taking any work from him. It, however, appears that the C.B.I. expressed the view that it would not be in the interest of the case to revoke the suspension of the applicant. Subsequently, it was pointed out by the C.B.I. that investigation in this case has already been completed and there was sufficient material for launching prosecution against the applicant. The respondents accordingly referred the matter to the Central Vigilance Commission for advice which agreed with the views of the C.B.I. and also advised that sanction for

the prosecution of the applicant should be obtained and major penalty proceedings should also be initiated against him.

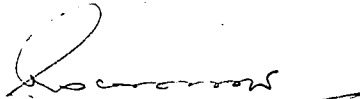
7. Thus, there is no merit in the contention of the applicant that any final decision for revocation of his suspension had ever been taken. Thus, the main contention of the applicant upon which his case was based has proved to be hollow. We, therefore, do not find any ground to issue direction to the respondents to revoke the suspension of the applicant. However, this does not mean that a fresh review should not be undertaken. More than six months have already elapsed since the last review was undertaken and the respondents are required to take a fresh look over upon the matter and once again apply their mind to the question as to whether the suspension of the applicant should continue or should be revoked, considering the fact that the chargesheet in the criminal case is yet to be filed and when filed the trial is likely to be a prolonged one. We, however, make it clear that it would be open to the respondents to take any decision in the matter after due application of mind and in accordance with the relevant rules.

8. In view of the above, we dispose of this OA with a direction to the respondents to once again review the order of applicant's suspension under the relevant Rules and instructions issued by the Government from time to time and pass a fresh order in the matter within a month

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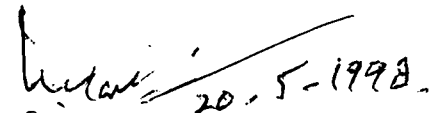
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from the date of receipt of the copy of this order, keeping
in view the observations made by us hereinabove. No costs.



(S.P. BISWAS)
Member (A)

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 20.5.1998

(T.N. BHAT)
Member (J)