

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.951/1998

New Delhi, this 17th day of November, 1998

Hon'ble Shri T.N. Bhat, Member(J)
Hon'ble Shri S.P. Biswas, Member(A)

Shri Satish Chander
G-223, Nanakpura
Moti Bagh II, New Delhi

... Applicant

(By Advocate Shri J.S. Rawat)

versus

1. Commissioner of Delhi Police
Police Hqrs., New Delhi

2. Dy. Commissioner of Police
South West District
Vasant Vihar, New Delhi

... Respondents

(By Shri S.K.Gupta, proxy for Shri Jog Singh,
Advocate)

ORDER(oral)

Hon'ble Shri T.N. Bhat

Heard the learned counsel for the parties for
final disposal of this case at the admission stage
itself.

2 The applicant, while working as Sub-Inspector
in Vasant Kunj Police Station was alleged to have
accepted illegal gratification and as a result
thereof he was placed under suspension in the year
1995. Admittedly, no departmental proceedings have
been initiated against him. However, a
charge-sheet in a criminal case has been filed and
the same is pending in the Criminal Court.

3. It is now more than 3 years since he was
placed under suspension and he has been repeatedly
making representations praying for revocation of
his suspension. Applicant's representations have

17.11.98

7

been rejected by the respondents by cryptic orders stating that his representation has been considered but has not been accepted.

4. Aggrieved by the aforesaid rejection of his representations and non-revocation of his suspension, the applicant has come to this Tribunal impugning not only the order by which his representations have been rejected but also the initial order dated 10.3.95 by which he was placed under suspension.

5. During the course of hearing, the learned counsel for the applicant vehemently contended that there should have been periodical review of the applicant's suspension and it was a fit case where the applicant's suspension should have been revoked. In this regard, he has cited the cases of other people who although placed under suspension after the applicant, were later on reinstated in service on revocation of the suspension orders.

6. The respondents in their counter have taken the plea that since the charge against the applicant in the criminal case is a grave and serious one, in that the applicant is alleged to have accepted an amount of Rs.3000 as illegal gratification from one Shri Dalbir Singh, his suspension cannot be revoked.

7. It is common ground that under the Delhi (Punishment & Appeal) Rules, there is no provision for review and revocation of a suspension order.

[Signature]

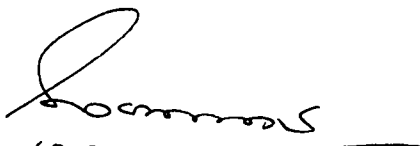
8

But at the same time, it is not disputed that according to the instructions issued by the Government of India on the subject, more particularly those filed by the applicant alongwith the OA, all cases of suspension for more than six months, should be reviewed regularly and suspension revoked wherever found necessary.

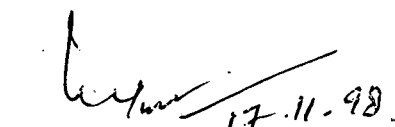
8. It is admitted that the applicant is now under suspension for the last more than three years and not even once has review taken place. Applicant had made representations which have been rejected by orders which cannot be termed as speaking orders.

9. Viewed as such, we allow this OA to the extent that the Commissioner of Police is directed to review applicant's suspension taking into account all the relevant facts and to take a final decision in the matter and communicate the same to the applicant. This should be done within a period of two months from the date of receipt of a copy of this order. No costs.

Issue DASTI.


(S.P. Biswas)
Member (A)

/gtv/


17.11.98
(T.N. Bhat)
Member (J)