

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

✓ O.A.NO.2355/95
O.A.NO.2360/95

HON'BLE JUSTICE CHETTUR SANKARAN NAIR (J), CHAIRMAN
HON'BLE SHRI R.K.AHOJA, MEMBER(A)

New Delhi, this 12th day of September, 1996

O.A.NO.2355/95:

Shri Parkash
s/o Shri Chaturi Pd.
M.W.Fitter, T.NO.637
Signal Workshop
Northern Railway
Ghaziabad.

R/o House No.2890/H
Krishan Kunj
Delhi.

... Applicant

(By Shri G.D.Bhandari, Advocate)

Versus

1. Union of India through
The General Manager
Northern Railway, Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway
New Delhi.
3. The Chief Works Manager
Signal Workshop
Northern Railway
Ghaziabad.

... Respondents

(By Shri P.S.Mahendru, Advocate)

O.A.NO.2360/95:

Raj Ram
s/o Shri Pitamber Dayal
M.W. Fitter, T.No.688
Signal Workshop
Northern Railway
Ghaziabad.

R/o 1/9523, Rohtas Nagar
Shahdara
DELHI.

... Applicant

(By Shri G.D.Bhandari, Advocate)

Vs.

1. Union of India through
The General Manager
Northern Railway, Baroda House
New Delhi.

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2. The Divisional Railway Manager
Northern Railway
New Delhi.

3. The Chief Works Manager
Signal Workshop
Northern Railway
Ghaziabad.

... Respondents

(By Shri P.S.Mahendru, Advocate)

The above applications having been
heard together on 12.9.1996 Tribunal
on the same day delivered the
following:

ORDER

Chettur Sankaran Nair (J), Chairman

Applicant challenges A1 order of suspension on the ground that the conditions stipulated in Rule 5(2) of the Railway Servants (Discipline & Appeal) Rules, 1968 are not attracted. Under the said Rules, suspension can be ordered if an official is detained in custody for a period of exceeding 48 hours or more. A1 gives the impression that the applicant was arrested on 26.10.1994 and A2 shows that he was released on bail sometime on 27.10.1994.

2. Respondents do not controvert this aspect in their reply affidavit. Their case seems to be that an employee can be suspended even if he is not detained in custody for 48 hours. That may be true. But suspension which is purported to be made under Rule 5(2) of the Railway Servants (Discipline & Appeal) Rules, 1968 can only be for the reason that a person is detained for 48 hours or more. In the

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case on hand that condition has not been satisfied.

3. We allow the applications and quash the impugned orders. We make it clear that we have not gone into any other contention. No costs.

R. K. Ahooja
(R.K. AHOOJA)
MEMBER (A)

/rao/

Chettur Sankaran Nair
(CHETTUR SANKARAN NAIR(J))
CHAIRMAN