

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. AHOOJA, 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.

Contd...2/-

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:

O R D E R

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

Contd....3/-

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)  
MEMBER (A)

(CHETTUR SANKARAN NAIR (J))  
CHAIRMAN

/rao/

True copy  
of  
the  
order

12/11/96

PRITAM SINGH  
Court Officer  
Central Administrative Tribunal  
Principal Bench  
Faridkot House, New Delhi