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Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1438/96

New Delhi this the 9th day of April 1997

Hon'ble Shri S.R. Adige, Member(A)
Hon'ble Dr. A. Vedavalli, Member(J)

Shri R.K. Lalwat,
S/o Late Shri Mool Chand,
R/o B-490, Delhi Administration Flats,
Timarpur, Delhi. Applicant

(By Advocate: Mrs. Meera Chhibber)

Versus

1. Union of India
through Lt. Governor,
Raj Niwas Marg,
Delhi.
2. Chief Secretary,
Government of N.C.T. of Delhi
5, Sham Nath Marg,
Delhi.
3. Commissioner Sales Tax,
Sales Tax House, M.S.O. Building,
I.P. Estate, New Delhi Respondents

(By Advocate: Shri Rajinder Pandita)

ORDER (Oral)

By Hon'ble Shri S.R. Adige, Member(A)

The applicant who belongs to DASS Cadre has impugned the order dated 3.1.96 placing him under suspension in accordance with the provisions of Rule-10 (2) CCS (CCA) Rules 1965.

2. From respondent's reply it appears that applicant alongwith others was suspended, pursuant to a raid conducted by the CBI on 13.11.95 in Bikri Kar Bhawan and attached offices during the course of which five Government servants including the applicant were suspected to be in possession of money disproportionate to their ^{known} sources of income, although these ~~allegations~~ ^{allegations} are denied by the applicant.

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3. Applicant's Counsel Mrs Chhibber contends that despite the suspension order having been issued as far back on 3.1.96, so far no charge sheet has been filed in this case and the applicant is continuing to be kept under suspension, without reasons.

4. In this connection Mrs Chhibber had also contended that the CBI had advised the respondents department, that they had no material to proceed against the applicant in a criminal case and on that basis she had prayed for a direction to the respondents to withdraw the suspension order. Respondent's counsel Shri Pandita has however invited our attention to the letter dated 24.2.97 from the respondents department addressed to him which is taken on record and which states that till date they have not received any information/communication from the CBI to the effect that they had no material to proceed against the applicant.

5. Mrs. Chhibber has also invited our attention to the respondents department's office order dated 21.3.97, whereby the suspension of the four other Government employees, who were also suspended pursuant to the CBI raid has been revoked, and asserts that in the light of that fact there is no justification for continuance of applicant's suspension. In this connection she invites our attention to the instructions of Government of N.C.T. of Delhi relating to continuation of suspension and also to the general instructions on the subject contained in Chapter-III of Swamy's Compilation of CCS (CCA) Rules. Particular attention has been invited to those portions of the instructions wherein it has been stated that, even though suspension may not be considered as a punishment, it does constitute a very great hardship for a Govt. servant and in

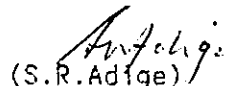
fairness to him, it is essential to ensure that this period is reduced to the barest minimum and further that every effort should be made to file a charge sheet within three months and in case it has not been possible to do so, the Disciplinary Authority should report the matter to the next Higher Authority to explain the delay. She has emphasised that despite the passing of over 16 months since the applicant was suspended, no charge sheet against the applicant has been filed as yet.

6. In the background of what has been stated above these this OA is disposed of with a direction that in the event applicant makes a self-contained representation to respondents within two weeks from today, they will consider the prayer contained therein, and will pass a detailed speaking and reasoned order thereon in accordance with law within two months of its receipt.

7. The O.A. stands disposed of accordingly. No costs.



(Dr. A. Vedavalli)
Member (J)


(S.R. Adige)
Member (A)

cc.