

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1523/97

New Delhi this the 17th day of July, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Dr. P.P. Singh,
S/o Sh. Kundan Singh,
R/o Sector-III, House No.321,
R.K. Puram, New Delhi. Applicant

(through Mrs. Meera Chhibber, advocate)

versus

Union of India through
its Secretary,
Ministry of Health & Family Welfare,
Govt. of India, Nirman Bhawan,
New Delhi. Respondent

(through Sh. A.N. Aggal, Asstt.)

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

This application has been filed against the suspension order dated 8.11.1996. The said suspension order has been passed on the ground that the criminal offence is under investigation and the applicant remained under detention for about a month. The suspension order on the face of it shows that it is a deemed suspension.

The applicant has given a representation and the same was also considered by an order dated 12.5.97 and it is stated in the said order that the said suspension order has been reviewed and it has been considered that it is not a fit case to revoke the suspension order.

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The issue before us was the non-payment of subsistence allowance in this case in accordance with the law. Notices were issued to the respondents for that purpose and today the departmental representative who is present, has produced an order communicating that subsistence allowance will be paid in accordance with the rules.

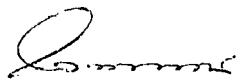
The learned counsel for the applicant states that nothing has been done in the pending criminal case and it may be presumed that there is no criminal case pending for want of chargesheet issued against the applicant. It was also apprehended that in the order dated 12.5.97 it is stated that the applicant would be kept under suspension indefinitely until C.B.I. files the chargesheet and only thereafter the respondents are likely to review the order of suspension.

Since the original suspension order has been passed only in November 1996, the review of the same after six months is a matter of right for the applicant under the rules whether the chargesheet has been filed or not by the C.B.I. A review of the suspension order, is a matter for the respondents to see whether the continuation of the suspension order in the circumstances, is justified or not. Such a decision shall be taken up forthwith within 15 days of the receipt of a copy of this order and the said order shall be communicated to the applicant by registered post. It is made clear that the review of the suspension order under the rules is required to be done

(X)

within six months and this shall not be delayed on the ground that the criminal case is pending or the C.B.I. has not issued chargesheet.

With the aforesaid observations, this O.A. is disposed of. No costs.



(S.P. Biswas) ·
Member(A)



(Dr. Jose P. Verghese)
Vice-Chairman(J)

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