

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

12

O.A. No. 1715 of 1997 Decided on: 10.3.98

A.R. Saini Applicant(s)
(By Advocate: Shri Shyam Babu)

VERSUS

U.O.I. Respondents
(By Advocate: Shri R.V.Sinha)

CORAM

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. To be referred to the Reporter or not? YES
2. Whether to be circulated to other Benches of the Tribunal? NO


(S.R. ADIGE)
VICE CHAIRMAN (A)

14

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No.1715 of 1997

New Delhi, dated the 10th March 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri A.R. Saini,
S/o late Shri Ram Kishan,
R/o T-41, Atul Grove Road,
New Delhi-110001. ... APPLICANT

(By Advocate: Shri Shyam Babu)

VERSUS

Union of India through
Secretary,
Ministry of Communication,
Dept. of Telecommunication,
West Block-I, Wing-2,
R.K.Puram,
New Delhi-110066. ... RESPONDENT

(By Advocate: Shri R.V.Sinha)

Applicant impugns respondents' order dated 21/23.4.97 (Ann. A) rejecting his representation for revocation of suspension, and for his reinstatement after declaring that his continued suspension is arbitrary and unjustified, and further for keeping his Headquarters in Delhi.

2. A perusal of the relevant records (File No. 9-65/96-Vig I/Pts I & II) shown to us by respondents discloses that in a case regarding local purchase of jointing kits in West area of MTNL, New Delhi which was being

2

15

- 2 -

investigated by Vigilance team of MTNL in May, 1995, applicant as Area G.M. is said to have approved purchase of jointing kits to his various SDEs (Cables) to the extent of Rs.7.35 lakhs. During preliminary investigations it was found that the jointing kits purchased, which were seized by the Vigilance Branch bore the markings of having been supplied to AE (CSD), MTNL/CTS, New Delhi and thus were purchased by tender waived at applicant's level. During investigation, information is further said to have come to light about pilferage of stores including jointing kits to the extent of Rs.18 lakhs. Based on the preliminary investigations the case was handed over to CBI who took up investigations resulting in institution of a criminal case vide CBI ACB, Delhi Branch, FIR Crime No.RC 67(A)/96 DLI dated 14.8.96 u/s 120-B r/w 380, 420 IPC & 13 (2) r/w 13(1)(d) P.C. Act. The relevant records further indicate that CBI had raided the residential premises of applicant and five SDEs. Therefore all 6 officers including applicant were suspended by order dated 21.8.96.

7

16

3. Meanwhile applicant already stood transferred to ALTTC, Ghaziabad. As he had not joined there, he represented for change of H.Q. to Delhi on 22.8.96 but the same was rejected ^{by} ~~by~~ orders dated 24.10.96. On 12.9.96 applicant filed a representation praying that his case be reviewed and the suspension revoked. The case was accordingly reviewed and by memo dated 21/23.4.97 rejection of his representation was communicated to him, after obtaining order of the competent authority. Meanwhile on 16.12.96 applicant had again represented for revocation of his suspension and also for enhancement of his subsistence allowance. Applicant's case was again reviewed, and while the prayer for revocation of suspension was not accepted, his subsistence allowance was raised by orders dated 4.2.97.

4. On 24.2.87 applicant filed yet another representation for revocation of his suspension. The same was examined by respondents who sought CBI's advice as to the present stage of the investigations. CBI in their letter dated 8.9.97 intimated the case was in the final stage of investigation, and

1

17

7
~~and~~ accordingly in December, 1997 respondents took the view that it would not be advisable to revoke the suspension at that stage pending completion of investigation, but the case could be reviewed again as soon as the investigation was completed.

5. We have heard applicant's counsel Shri Shyam Babu and respondents' counsel Shri R.V. Sinha. There is no doubt that the allegations against applicant contained in the criminal case filed by CBI against him are extremely serious which prima facie justify his being placed under suspension in accordance with rules and instructions. The aforementioned details do show that applicant's case for revocation of suspension has been reviewed by respondents from time to time. However, despite the CBI in its letter sent as far back as 8.9.97 ^{having} ~~been~~ stated that the case was in the final stage of investigation, during hearing on 23.2.98 we were not informed that the investigations had been completed.

6. Under the circumstances, without interfering with the impugned suspension order in any way at this stage, we hold that this is a fit matter in which applicant's

1

18

continued suspension should be reviewed again by respondents, and they should pass appropriate orders in accordance with rules and instructions under intimation to him within two months from the date of receipt of a copy of this order.

7. This O.A. is disposed of in terms of Para 6ⁿ above. No costs.

Lakshmi Swaminathan

(Mrs. LAKSHMI SWAMINATHAN)
Member (J)

S.R. Adige

(S.R. ADIGE)
Vice Chairman (A)

/GK/