

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

DA 2566/1997

New Delhi this the 8 th day of October, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Hon'ble Shri K. Muthukumar, Member (A)

Shri S.P. Dubey,
S/O Shri Murlidhar Dubey,
working as M.V.I. (Under
Suspension) Under Govt. of
NCT of Delhi and resident of
RZ 429, Gali No. 9, Raj Nagar,
part-I, Palam Colony, New Delhi.

... Applicant

(By Advocate Shri P.L. Mimroth)

Versus

1. Govt. of National Capital Territory
of Delhi, through its, Chief
Secretary, Sham Nath Marg, Delhi.
2. Commissioner of Transport,
Govt. of N.C.T. of Delhi,
5/9 Under Hill Road, Rajpur Road,
Delhi.

... Respondents

(By Advocate Sh. Rajinder Pandita)

ORDER

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicant, who was working as Motor Vehicle Inspector under Respondent 2, was placed under suspension by order dated 23.8.1995. Shri P.L. Mimroth, learned counsel for the applicant, has very vehemently submitted that the respondents have not conducted any review of the suspension order, as required under the Rules for either enhancement of the subsistence allowance or whether the suspension order should be revoked or not. He has submitted that the applicant is not pressing the reliefs prayed for in Paragraph 8 (a) and (b), namely, to quash the impugned suspension order or for a direction to the respondents to revoke the suspension and reinstate him, but he has submitted that a direction may be given to the respondents

to consider and review the applicant's case in accordance with the Rules and pass appropriate orders. He has further submitted that no periodical review has been conducted of the suspension order by the respondents ever since it was passed on 23.8.95 which has, however, been vehemently denied by Shri Rajinder Pandita, learned counsel for the respondents. In the circumstances, Shri Mimroth, learned counsel, has submitted that if a review has been conducted, as claimed by the respondents, then the respondents should be directed to communicate to the applicant the result of such review and decision taken by the competent authority within a stipulated time. The learned counsel for the applicant has also submitted that he will be satisfied if an order similar to the order passed in Anoop Singh Dhaliya Vs. Union of India (OA 2467/97), decided on 3.7.1998, is passed in the present case. The applicant has submitted that he had made a number of representations to the respondents praying for review of the suspension to which he submits that no reply has been given.

2. The respondents have filed their reply submitting that the application should be dismissed and we have also heard Shri Rajinder Pandita, learned counsel. Learned counsel has submitted that the competent authority has conducted periodical reviews of the suspension order and has denied the averments made by the applicant to the contrary. He has also submitted part of the relevant records stating that the main file dealing with review of the suspension order has been submitted to the Lt. Governor of Delhi. The respondents have stated that since the criminal case registered by CBI under the Prevention of Corruption Act, is pending, the applicant has been placed under suspension. They have also submitted that enhancement of subsistence allowance is under consideration before the competent authority.

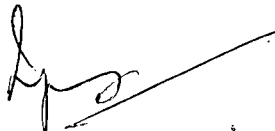
3. We note from the report of the Review Committee dated

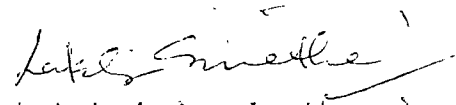
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3-6-1998 that the respondents have considered and reviewed the suspension order dated 23.8.95 passed against the applicant. Apparently, after the Review Committee has made its recommendations to revoke the suspension order passed against the applicant, the competent authority has not taken any decision in the matter or communicated the order to the applicant. In J.S. Goel Vs. Union of India and Ors. (OA 2119/97), the Full Bench of the Tribunal in the order dated 5.11.1997 has held that in cases of suspension, including suspension on the basis of pendency of criminal case involving moral turpitude or corruption, the disciplinary authority is required to consider the relevant rules and the guiding principles issued from time to time to the facts and circumstances of the particular case. We note that in Anoop Singh Dhaliya Vs. Union of India (OA 2467/97), the Tribunal by order dated 3.7.98 had directed the respondents to review the suspension order of the applicant and pass appropriate orders in accordance with the Rules.

4. In the facts and circumstances, we direct the respondents to take appropriate decision in the matter of review of the suspension order dated 23.8.95 in accordance with the relevant Rules and instructions on the subject and communicate the same to the applicant by a reasoned and speaking order within one month from the date of receipt of a copy of the order.

O.A. disposed of, as above. No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)