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Central Administrative Tribunal, Principal Bench

Original Application No.1026 of 2000

New Delhi, this the 6th day of December, 2000

Hon'ble Mr.Justice V.Rajagopala Reddy, Vice Chairman

Netam Sumer Singh, S/o Shri Hirlu, 117A  
Gummat, Village Munirka, New Delhi-110057 - Applicant

(By Advocate Shri K.C.Mittal)

Versus

1. Union of India through Secretary to the Government of India, Ministry of Urban Development, Land & Development Office, Nirman Bhavan, New Delhi.
2. The Land & Development Officer, Ministry of Urban Development, Land & Development Office, Nirman Bhavan, New Delhi.
3. Dy.Land & Development Officer, Ministry of Urban Development, Land & Development Office, Nirman Bhavan, New Delhi. - Respondents

(By Advocate Shri K.K.Patel)

O R D E R (Oral)

The applicant is a Surveyor in Land and Development Office. He has been placed under suspension by the impugned order dated 4.6.1999 in terms of Sub-rule (2) of Rule 10 of Central Civil Services (Classification, Control & Appeal), Rules, 1965 on the ground that he was involved in a case of bribe along with one Chaman Lal, Assistant Engineer.

2. The learned counsel for the applicant Shri Mittal contends that though the impugned order was passed as back as nearly more than one year, the applicant is unnecessarily kept under suspension. He also contends that the suspension order passed in respect of Mr.Chaman Lal, the main accused in the case, has been revoked and on the same reasoning the applicant's suspension should also have been revoked and he cannot be discriminated only on the ground that he was an inferior officer.

3. Heard the counsel for the applicant and respondents.

*[Signature]*

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4. The question of placing under suspension or for revocation of the same is entirely within the administrative discretion of the competent authority and an order of suspension can be only interfered with on the ground of incompetency or illegality shown by the applicant. In the present case, however, it is seen from the averments made in the counter itself that Mr. Chaman Lal, Assistant Engineer, directed the complainant to hand over the tainted amount of Rs.35,000/- to the applicant by pointing out his fingers towards him and on the direction of Mr. Chaman Lal the said amount was accepted by the applicant and in the process both of them were trapped and the FIR was filed against them. It is not disputed that the suspension against Mr. Chaman Lal has been revoked. It, therefore, appears that the continuance of the suspension against the applicant *prima facie* is discriminatory and unjust.

5. It is stated that the applicant had made a representation for revocation of the suspension before the revocation of Mr. Chaman Lal's revocation.

6. I, therefore, direct that the respondents shall consider the representation, if any made by the applicant, within 10 days from today, and pass appropriate orders in the light of my above observations. The O.A. is accordingly disposed of. No costs.

*V.Rajagopala Reddy*  
(V.Rajagopala Reddy)  
Vice Chairman