

CENTRTAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.2489/2000

New Delhi, this the 29th day of November, 2000

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

P.C. Mishra,
Dani Civil Service Officer
Joint Director (under suspension)
Dte. of Training,
Union Territory Civil Services,
Govt. of NCT of Delhi
R/O C-7/53, Safdarjung
Development Area, New Delhi-16.

(Applicant in person)

...Applicant.

VERSUS

Union of India
through
Secretary to Govt. of India,
Ministry of Home Affairs,
U.T. Section, North Block,
Central Secretariat,
New Delhi.

..Respondent.

O R D E R (ORAL)

Justice Ashok Agarwal, :-

~~In respect of~~ ^{was} A prosecution lodged on 20.5.98
against the applicant relating to a criminal offence of
accepting illegal gratification. The applicant has
thereafter been placed under suspension w.e.f. 18.8.98.
On a representation being made by the applicant against
the aforesaid suspension on 24.8.98, the same was
rejected by an order passed on 8.1.99 (Annexure A-III),
inter alia, observing as follows:-

"3...a charge-sheet connected with a
criminal offence relating to acceptance
of illegal gratification having already
been filed against him, the probity in
public life demands that public servant
charged with such an offence should not
be permitted to perform official
functions and responsibilities till the
termination of proceedings against him
and he is fully acquitted."

(2)

2. On a further representation submitted by the applicant on 14.8.2000 for review of his suspension and for reinstatement, the same has been disposed of by the impugned order of 30.10.2000 (Annexure A-I) by observing that:-

".....there is no justification at this stage to reinstate him in service in as much as a chargesheet connected with a criminal offence relating to acceptance of illegal gratification having already been filed against him in the Court of Law, the probity in public life demands that a public servant charged with such offences is not permitted to perform his official functions and responsibilities till termination of proceedings against him and till he is fully acquitted."

3. The reasons to be found in the order of 8.1.99 at Annexure A-III as also the one of 30.10.2000 at Annexure A-I are practically identical. The applicant amongst others has placed ~~a~~ reliance on a decision of this Tribunal in the case of Madhukar Vs. Union of India (OA-2278/94) decided on 27.7.99 wherein it has, inter alia, been observed as follows:-


"3.....Unduly long suspension while putting the employee concerned to undue hardship involves payment of subsistence allowance without the employee performing any useful service to the Government. It is, therefore, obligatory on the part of the disciplinary authority to consider whether reinstating the applicant would be a hurdle to the progress of the disciplinary proceedings or court case and for that purpose it has to be reviewed from time to time..."

4. Having regard to the claim made, we find that interest of justice will be met by disposing of the present OA granting liberty to the applicant to make a

(3)

fresh representation for review of the aforesaid impugned order of suspension. On such representation being made, the respondents will, after affording reasonable opportunity to the applicant of being heard, pass a speaking and a reasoned order expeditiously and in any event within a period of three months from the date of the receipt of the representation from the applicant. We direct accordingly.

5. The OA is disposed of as above at the admission stage itself. No costs.


(Ashok Agarwal)
Chairman


(S.A.T. Rizvi)
Member (A)

/sunil/