

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.971/2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri V.K.Majotra, Member(A)

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

Shri Manohar Singh
s/o Shri Thakur Dass
r/o A/N-65, Shalimar Bagh
Delhi - 110 052.

... Applicant

(By Shri R.S.Rana, Advocate)

Vs.

1. Union of India through
Secretary
M/o Communications
Sanchar Bhawan
New Delhi - 110 001.

2. The Secretary
Department of Telecommunications
Sanchar Bhawan
New Delhi - 110 001.

3. The Chief General Manager
MTNL, Khurshidlal Bhawan
Janpath
New Delhi - 110 050.

4. Deputy General Manager
(Administration)
Northern Telecommunication Region
Kidwai Bhawan, Janpath
New Delhi - 110 001.

... Respondents

(None for the respondents)

O R D E R (Oral)

By Reddy. J.

Heard the counsel for the applicant on the
admission of the case.

2. The orders of suspension of the applicant
dated 17.3.2000 and 2.5.2000 are under challenge in
this OA. The learned counsel for the applicant
submits that unless the order dated 17.3.2000 is
withdrawn, the order dated 2.5.2000, could not validly
be passed for the same purpose of suspending the
applicant. It is further submitted that the orders of


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suspension are discriminatory inasmuch as similarly placed employees who are alleged to have been indulged in corruption are not suspended.

3. The applicant was working in the post of JTO. He was promoted to the post of SDE in 1996 vide Annexure-A4. Subsequent to the order of promotion the applicant submits that he had been reverted to the post of JTO but however, continued in the post of SDE. The order dated 17.3.2000 was passed treating that he ~~was~~ working as SDE, suspending him under Rule 10(1) of the CCS (CCA) Rules, 1965 on the ground that a criminal case was registered ^{against} ~~under~~ him and the same was under trial. However, to cover the post of JTO also to which post, he had been reverted, the respondents have passed the subsequent order dated 2.5.2000 suspending the applicant on the same ground. The attempt of the respondents, appears to be, to suspend the applicant in whichever post he was working. In the circumstances, we do not find any prejudice to the applicant. The contention is, therefore, devoid of substance.

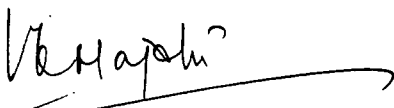
4. It is clear from the Annexures placed by the applicant that the sanction for prosecution of the applicant was also granted by the Government by order dated 9.8.1999. The applicant, therefore, was rightly suspended under Rule 10(1) b of the CCS (CCA) Rules, 1965.


5. The contention that the applicant was discriminated is also without substance. It is for the employer to consider and decide as to who should



be suspended in its opinion. It is not shown that sanction to prosecute was given in respect to other employees also. The learned counsel for the applicant relies upon Sengara Singh & Others Vs. State of Punjab & Others, AIR 1984 SC 1499. In the said case several employees, who have been dismissed from the police service for participation in an agitation, have been reinstated by the Supreme Court and the Police department was directed to reinstate all the employees who were removed. The respondents, however, reinstated only some of the employees. Hence, the Supreme Court held that the action of the respondents was discriminatory. This judgment has no application to the facts of the present case. The learned counsel for the applicant seeks to refer some other decisions from the digest after the order was almost dictated. We, therefore, declined to refer to them in the order.

6. In the circumstances, the OA is without any merit and is accordingly dismissed, at the admission stage. No costs.


(V.K. MAJOTRA)
MEMBER(A)


(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/