

Item No.7



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.1968/2020

Wednesday, this the 27th day of January, 2021(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A K Bishnoi, Member (A)

Bachan Singh Rawat
s/o Shri Hukam Singh Rawat
age 52 years
Junior Scientific Officer, Group A
r/o H No.2/71,
Bahar 'A' Sahara States
Jankipuram, Lucknow
Uttar Pradesh – 226 021

..Applicant

(Mr. Chandan Kumar, Advocate)

Versus

1. Union of India through Secretary
Ministry of Culture
Govt. of India
Shastri Bhawan, New Delhi – 110 001
2. The Director General
National Research Laboratory for
Conservation of Cultural Property (NRLC)
Sector E/3, Aliganj
Lucknow – 226 024

..Respondents

(Mr. S N Verma and Mr. D S Mahendru, Advocates)

Item No.7

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:**

The applicant is working as Junior Scientific officer in the National Research Laboratory for Conservation of Cultural Property, at Lucknow. He was placed under suspension, through order dated 14.01.2020, on account of the fact that he was arrested in a criminal case. Thereafter, the suspension was extended by 180 days, through order dated 14.07.2020. This O.A. is filed challenging the order dated 14.07.2020.

2. The applicant contends that the suspension was totally un-warranted and at any rate, it ought not to have been extended beyond 180 days. It is also stated that the concerned authority did not apply mind and the extension was ordered mechanically.

3. The respondents filed a detailed counter affidavit. It is stated that the applicant was arrested on the basis of a complaint submitted by certain employees of the Laboratory and soon thereafter, he was placed under suspension. It is stated that the applicant was released on bail on 17.01.2020 and even before expiry of 90 days period from the date of initial suspension, the charge-sheet was filed in the Criminal Court on 08.02.2020. Reference is also made to the cases registered

Item No.7



against the applicant, on earlier occasions, due to his rude and uncivilized behaviour.

4. We heard Mr. Chandan Kumar, learned counsel for applicant and Mr. S N Verma and Mr. D S Mahendru, learned counsel for respondents, at length.

5. The applicant feels aggrieved by the extension of his suspension. It has already been mentioned that the suspension was on account of the arrest of the applicant in connection with an FIR registered by the Police. The allegation against the applicant was that he physically attacked his office colleague, one Sri Rajesh Vangavolu, Library Information Officer, a Group 'A' officer, on 23.12.2019. Therefore, it cannot be stated that the initial suspension was without any basis. As a matter of fact, the suspension follows as a matter of course, once an employee is arrested.

6. The applicant was released on bail on 17.01.2020. Shortly thereafter, the charge-sheet was filed in criminal case on 08.02.2020. The occasion to reinstate the applicant on expiry of 180 days would arisen in case the charge-sheet is not filed within 90 days, in the criminal case. Since that happened, the respondents have chosen to extend the suspension.

7. According to the general instructions issued by the Department of Personnel & Training also, an employee, who is

Item No.7



suspended on account of his being detained, can be considered for reinstatement after expiry of one year, in case the charge-sheet is not filed. In the instant case, the charge-sheet was filed soon after the applicant was released on bail. The earlier conduct of the applicant is also not proper. In the counter affidavit, the following instances are mentioned:

“(a) A case was registered against Shri Bachan Singh Rawat and others by Madigaon Police Station, Lucknow under IPC 354/2006 u/s 323, 504, 506 and 3 (i) (c) of SC/ST Act vide FIR No.354/2006 on the complaint of Sh. Virendar Singh, Sr. Scientific Assistant, NRLC, Lucknow made to the police on 25.04.2006 for interfering in his official duties.

(b) A police case was registered against the applicant, Shri Bachan Singh Rawat and others under NCR No.152/2015 under IPC No.504 and 507 on the complaint dated 12th September, 2015 made by former Director General, NRLC, Lucknow before SSP Lucknow, for calling him in rude language and making life threatening calls.

(c) Sh. Rawat was charge sheeted on 17.5.2016 for creating vandalism in the premises of NRLC Lucknow vide crime case No.0223/2016 under IPC sections 147, 323, 341, 504, 506 and 427 IPC.”

8. As of now, hardly one year has elapsed since the date of initial suspension. The respondents need to take into account, the feasibility of reinstating him, depending upon the subsequent developments. As of now, we do not find any illegality in the impugned order.

Item No.7



9. We, therefore, dismiss the O.A., but directing that the respondents shall take into account, the attendant circumstances as and when the occasion arises for extension of suspension. There shall be no order as to costs.

(A K Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 27, 2021

/lg/sunil/jyoti/ns