

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

Date of decision: 24.5.1988.

REGN. No. O.A. 1766/87.

Smt. Jayoti Tigga ... Applicant

Vs.

Union of India & Ors. ... Respondents.

CORAM:

Hon'ble Mr. B.C. Mathur, Vice-Chairman.

Hon'ble Mr. Ch. Ramakrishna Rao, Member.

For the applicants: Shri J.P. Verghese, counsel.

For the respondents: Shri Rakesh Upadhyay, counsel.

JUDGMENT  
(delivered by Mr. B.C. Mathur, Hon'ble V.C.).

This is an application under Section 19 of the Administrative Tribunals Act, 1985, against the order passed by the respondent revoking the suspension order of Shri S.S. Saroha, respondent No. 4, an Assistant working in the office of the applicant, who was arrested and who is facing both a criminal case as well as a departmental enquiry for alleged misbehaviour with the applicant.

The learned counsel for the applicant states that Shri Saroha was suspended by the Deputy Secretary, Indian Council of Agricultural Research, Krishi Bhawan, New Delhi, on 22.12.1986, but in collusion with and under pressure from other employees, the said suspension order has been revoked on 16.9.1987.

2. We have gone through the papers and heard the lawyers on both sides.

3. The revocation order has been passed under Rule 10 sub-rule 5(c) of the Central Civil Services (Classification, Control & Appeal) Rules, 1965, as extended to

the Indian Council of Agricultural Research employees. This

rule has a very wide ~~amplitude~~ <sup>coverage</sup> and does not indicate the

specific conditions under which a suspension order can be

revoked. However, under guiding principles about placing

officials under suspension, the general circumstances under

which a Government servant is to be placed under suspension

are where the continuance of an officer in office is likely

to prejudice investigation, trial or an enquiry, for example,

apprehended tampering with witnesses or documents, or where

continuance in office is likely to seriously subvert discipline

in office, where a person is working, or where continuance in office

would be against the wider public interest. A person can

also be kept under suspension where a criminal case or departmental

proceeding pending against him is likely to lead to his conviction,

or dismissal, removal or compulsory retirement from service etc.

These are matters for the competent authorities to examine.

Normally, suspension orders are ~~revised~~ <sup>reviewed</sup> after a period of six months.

In this case, Shri Saroha had already been under

suspension for nine months. Since a criminal case and a

departmental enquiry are pending against Shri Saroha, we feel

that it is somewhat premature to interfere in the matter. We have no  
*doubt*

*hope* that law will take its own course. The revocation

*DR. M.*

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order also specifically states that the order is without prejudice to the criminal proceedings pending against Shri Sarcha in a court of law and without prejudice to any departmental enquiry that may be ordered against him. This Tribunal <sup>is to be approached only when all other remedies have been exhausted.</sup> Since the criminal proceedings are already subjudice, we see no justification to interfere with the order of revocation at this stage. The application is dismissed at the admission stage. There will be no order as to costs.

Copy of this order be given to the counsel for the applicant 'dasti', as prayed by him.

*Ch. Ramakrishna Rao*  
(Ch. Ramakrishna Rao) <sup>29-5-88</sup>  
Member.

*B. S. Mathur*  
(B. S. Mathur) <sup>26-5-88</sup>  
Vice-Chairman.