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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 2977/2004

This the 21st day of December, 2004

HON'BLE MR. JUSTICE M.A.KHAN, VICE CHAIRMAN (J)

Smt. Sunita Sharma
D/o Sh. M.Lal,
U.D.C. C/O D (Est.I/GP-II) Sena Bhawan,
New Delhi.

Address:

House No.40B, Pocket M&N,
Janta Flats, Sarita Vihar,
New Delhi.

(By Advocate: Sh. Surat Singh)

Versus

1. Union of India
through Secretary, Ministry of Defence,
South Block, Government of India,
New Delhi.
2. The Director,
Ministry of Defence,
Government of India,
New Delhi.
3. The Joint Secretary (Estt.),
Grievance & Vig. Cell,
Ministry of Defence, South Block,
New Delhi.

ORDER (ORAL)

By Hon'ble Mr. Justice M.A.Khan, Vice Chairman (J)

Applicant was working as UDC in Ministry of Defence when in contemplation of disciplinary proceedings against him, she was placed under suspension vide order dated 14.7.2003 (Annexure A-2). This suspension period has been extended from time to time. It has lastly been extended by a period of 180 days w.e.f. 17.9.2004 vide order dated 23.9.2004 (Annexure-A). The order reads as under:-

M.A. Khan

“Smt. Sunita Sharma, UDC, Ministry of Defence was suspended vide this Ministry's Order No. A-20017/47/86-D(Est.I/Gp.II) dated 14.7.2003. In pursuance of CCS (CC&A) Amendment Rules 2003, the Competent Authority, on the basis of recommendations of the Review Committee set up to review the case, has decided to extend the suspension for a further period of 180 days w.e.f. 17.9.2004.

2. The subsistence allowance and other allowance to Smt. Sunita Sharma will be paid as per Minsitry of Defence order of even number dated 12.1.2004.

2. Applicant has challenged this order. It is submitted that the order is arbitrary and is a step in the harassment which she was being subjected to by her colleagues and officers. Counsel for applicant has submitted that this order does not specify the reason for extension of suspension period. Applicant is willing to work and, therefore, the respondents should revoke the suspension order and take her back on duty. It is submitted that she has not been served with the charge sheet and statement of imputation for starting the disciplinary proceedings as yet.

3. At the hearing, counsel for applicant has not been able to point out violation of any of the Service Rules including CCS (CCA) Rules, 1965 including the order impugned in the OA. The power has been exercised by the competent authority in accordance with law as per Rule 10(6) of CCS (CCA) Rules, 1965 which has provided as under:-

“An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority competent to modify or revoke the suspension, before expiry of ninety days from the date of order of suspension, on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.”

4. The matter was considered by the Review Committee and the suspension period has been extended on the recommendation of that Committee. She has already been allowed the subsistence allowance during the suspension period.

5. For the reasons stated above, there is no merit in the application. The Tribunal cannot interfere with the order. It did not suffer from any legal infirmity. Accordingly, OA is dismissed in limine.

M.A. Khan
(M.A. KHAN)
Vice Chairman (J)

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