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Central Administrative Tribunal, Principal Bench

Original Application No. 231 of 2004

New Delhi, this the 9th day of February, 2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. S.K. Naik, Member(A)

Rama Shankar Singh  
UDC (under suspension)  
Directorate of Employment,  
Government of NCT of Delhi,  
R/o 1325, Kalyan Vas Govt. Quarters,  
Delhi-91

.... Applicant

(By Advocate: Shri S.N. Anand)

Versus

Government of NCT of Delhi,  
Through Secretary-cum-Director (Employment)  
2, Battery Lane,  
Delhi-54

.... Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant was placed under suspension in pursuance of sub-rule 2 to rule 10 of Central Civil Service (Classification, Control and Appeal) Rules, 1965. Since December 2000, he is under suspension. On an earlier occasion, he had filed O.A. 1305/2003 which was disposed of on 22.5.2003 directing the respondents to decide the representation of the applicant. The other contention had been rejected.

2. In pursuance of this direction, the Director of Employment had passed the following order:

"Shri Rama Shankar Singh, while working as UDC in the Sub-Regional Employment Exchange, Delhi Cantt. was arrested by the Delhi Police under Section 420/469/471/120(b) of IPC for sponsoring list of bogus names to MCD for the post of Chowkidar remained under judicial custody and so is under suspension since the day (8.12.2000) of his arrest.

Keeping in view the serious nature of criminal offence committed by Shri Rama Shankar Singh,

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Review Committee of the Department in its meeting held on 18.10.2002 was of the considered view that the suspension of Shri Rama Shankar Singh not be revoked till the outcome of the case (FIR No. 289.99) pending against him in the Court of Law.

His representation dated 31.2.2003 has been carefully considered and this Deptt. is still of the firm view not to revoke his suspension till the decision of the Criminal Case pending in the Court of Law and so he shall remain under suspension till further orders."

3. The grievance of the applicant is that though report under Section 173 of the Code of Criminal Procedure has been filed before the appropriate court but the other co-accused have been reinstated. So far as the applicant is concerned, his claim has been rejected and thus in this process, he is being discriminated.

4. Article 114 can only be pressed into service in case persons equally placed are being discriminated.

5. Every person has a specific role in a particular alleged act. Therefore, reinstatement of one does not necessarily imply that the all accused should be reinstated. The matter had been considered and it was decided that keeping in view the seriousness of the offence pertaining to sponsoring list of bogus names to Municipal Corporation, the suspension of the applicant should continue. We find little ground to interfere in the said finding in this regard.

6. However, we need hardly emphasise that respondents, in accordance with the instructions, shall continue to periodically review the case of the applicant

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in this regard. Subject to aforesaid, the O.A. is dismissed.

S.K. Naik  
( S.K. Naik )

Member(A)

V.S. Aggarwal  
( V.S. Aggarwal )  
Chairman

/dkm/