

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Original Application No: 1223 of 1994

M.D.Gautam Applicant.

Versus

Union of India & Ors. Respondents.

Hon'ble Mr. T.L.Verma, Member-J

Hon'ble Mr. S.Dayal , Member-A

(By Hon'ble Mr. T.L.Verma, J.M.)

Heard Shri A.V.Srivastava, learned counsel
for the applicant on admission.

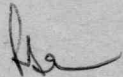
2. The applicant was put under suspension by order dated 21.01.1994 (Annexure A-6) on the ground that he was detained in police custody on 9.11.1993 for over 48 hours in connection with a criminal case. The learned counsel for the applicant states that the applicant was remanded to custody on 10.11.1993. He was thereafter, released on bail on 11.11.1993. The release order was received in the jail on the same date at 4:00 PM. The period during which the applicant remained in custody, it was submitted comes to less than 48 hours and as such, he could not have been put under suspension under the relevant rule. Hence, this application for quashing the order of suspension.

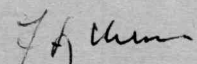
3. The applicant, it is stated, has filed a representation before the appropriate authority for revoking the suspension order. The representation is stated to be still pending.

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4. The learned counsel for the applicant informed us that the applicant has already been exonerated by the police inasmuch as no chargesheet has been submitted against him.

5. In absence of adequate material to determine whether the period of retention was less than 48 hours, we are not in a position to admit this application on that ground. The applicant who has filed a representation, however, is entitled to a decision on the representation filed by him. We, therefore deem it fit and proper to ~~issue~~ a direction to the respondents to dispose of the representation filed by the applicant after ascertaining necessary facts by a reasoned and speaking order within 2 months from the date of receipt of the order. With the above observation, this application is disposed of at the admission stage itself.


Member-A


Member-J

Allahabad Dated: 30.08.94

/jw/