

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 31st day of March, 2003.

Original Application No. 1469 of 2002.

Hon'ble Mrs. Meera Chhibber, Member- J.

Govind Singh S/o Late Bhagwan Singh a/a 56 years,
R/o 76, Ayodhya Kunj (A), Agra- 1.

.....Applicant

Counsel for the applicant :- Sri O.P. Gupta

V E R S U S

1. Senior Superintendent of Post Offices,
Agra Division, Agra.
2. Director Postal Services, Agra Region,
Agra.
3. Union of India through the Secretary,
M/o Communication, Govt. of India, New Delhi.

.....Respondents

Counsel for the respondents :- Sri R.C. Joshi

O R D E R (Oral)

By this O.A applicant has sought the following
reliefs :-

1. to quash suspension order dated 28.08.2001 passed
by respondent No. 1 (A-1) and to direct the respondent
to allow duty to the applicant on his own post
immediately. Respondents may further be directed to
pay the arrears of salary for the suspension period.
2. any other order or direction which this Tribunal may
deem fit and proper in the circumstances of this
case may also be passed.
2. The grievance of the applicant in this case is that
he was suspended vide order dated 28.08.2001 on the ground
that disciplinary proceeding is contemplated/pending against
the applicant (Annexure- 1) but till ^{the} date he filed the O.A



there~~was~~ no charge-sheet issued to the applicant and even though he had given number of representations to the respondents to reinstate ^{him} back in service (which are annexed as Annexures A- 2 to A- 5 to the O.A) but neither his representations were decided nor the suspension was revoked. Thus he had no other option but to file the present O.A.

3. Sri O.P. Gupta, counsel for the applicant relied on a judgment given in similar circumstances in case of Manik Chand Vs. U.O.I and Ors, in O.A No. 971/2002 which was allowed on 20.09.2002 by directing the respondents to ^{the}reinstate the applicant immediately on receipt of the order ^{however} ~~the~~ liberty was given to the respondents to initiate disciplinary proceedings in accordance with law and in case the said proceedings were initiated that should be completed within six months from the date of issue of charge-sheet (Annexure-7). He also relied on the Government of India instruction given in CCA (CCS) Rules (Annexure A- 6) which for ready reference reads as under :-

"(10) Speedy follow-up action in suspension cases and time-limits prescribed :- 1.

1. Instances have been noticed where inordinate delay has taken place in filing charge-sheets in courts in in cases where prosecution is launched and in serving charge-sheets in cases where disciplinary proceedings are initiated.

2. Even though suspension may not be considered as a punishment, it does constitute a very great hardship for a Government servant. In fairness to him, it is essential to ensure that this period is reduced to the barest minimum.

3. It has, therefore, been decided that in case of officers under suspension, the investigation should be completed and a charge-sheet filed in a court of competent jurisdiction in case of prosecution or served on the officer in cases of departmental proceedings within six months as a rule. If the investigation is likely to take more time, it should be considered

whether the suspension order should be revoked and the officer permitted to resume duty. If the presence of the officer is considered detrimental to the collection of evidence, etc., or if he is likely to tamper with the evidence, he may be transferred on revocation of the suspension order.

8. All authorities receiving information/report about the continued suspension of officials from their subordinate authorities should carefully examine each case and see whether the continued suspension of an official is absolutely necessary or the suspension should be revoked by transferring the official to another post or office.
9. In order to ensure that above instructions are scrupulously observed by subordinate authorities, all cases of suspension may be reviewed regularly, particularly those where officials are under suspension for more than six months, and wherever it is found that the official can be allowed to resume duties by transferring him from his post to another post, orders should be issued for revoking the suspension and allowing the official to resume duties with further direction as may be considered desirable in each individual case. "

Counsel for the applicant has thus submitted that this suspension order may be quashed and set aside and same direction may be given to the respondents as given in the case of Manik Chand

4. Respondents were given time to file their reply ~~and~~ they have since filed reply that applicant has already been issued charge-sheet on 19.02.2003 (CA-1). Thus counsel for the respondents has submitted that, in case, applicant has any grievance he should move to the authority concerned so that they may pass appropriate orders there-on.

5. I have heard both the counsel for parties and perused the pleadings as well.

6. Learned counsel for the applicant did not wish



to file RA as he has submitted that this case can be decided without RA as well. The instructions issued by the Government of India clearly show that once the suspension is issued, the department should review the cases to see whether it is still required to keep the person concerned under suspension or suspension can be revoked by posting him to some unsensitive post. In the instant case it is seen that the applicant was put under suspension in August, 2001 and the charge-sheet has been issued only in February, 2003 meaning thereby during almost two years the applicant was kept under suspension without issuing any charge-sheet against him. However, now ^{that} the charge-sheet has already been issued, it is clear that all the evidence which ^{were} ~~are~~ to be collected from the applicant ~~are~~ already in their possession. Therefore, the respondents should consider the case of the applicant by placing it before the reviewing committee to see whether continuing him under suspension is still required or the same can be ^{to some} revoked by placing him/unsensitive post. This exercise may be completed by the respondents within the period of six weeks from the date of receipt of a copy of this order, ~~as~~ the applicant has already been kept under suspension for prolonged period. Even though the applicant has not asked this relief ^{in O.A.B} but the respondents have not even considered his case for enhancement of the suspension allowance after three months which was an obligation cast on the respondents. Therefore, I direct the respondents to look into this aspect ^{also} while reviewing the case of applicant. for suspension

7. With the above direction, the O.A is disposed off with no order as to costs.

Member- J.

/Anand/