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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.961/2006

WEDNESDAY, THIS THE 13<sup>th</sup> DAY OF SEPTEMBER, 2006

HON'BLE MR. JUSTICE KHEM KARAN .. VICE CHAIRMAN

HON'BLE MR. P.K. CHATTARJI .. MEMBER (A)

Indal Singh, S/oLate Shri Mehtab Singh,  
R/o Mandir, Shankar Nagar, Line Par,  
Moradabad. ....

Applicant

(By Advocate Shri S.K. Tyagi)

Vs.

1. The Union of India, through Secretary,  
Post & Tele Communication,  
Ministry of Communication, New Delhi.

2. The Chief Post Master General,  
U.P. Circle, Lucknow.

3. The Post Master General,  
Bareilly Region, Bareilly.

4. The Senior Superintendent,  
Post Offices, Moradabad Division,  
Moradabad. ....

Respondents

(By Advocate Shri Saumitra Singh,  
Senior Central Government Standing Counsel)

ORDER

Hon'ble Mr. Justice Khem Karan, Vice Chairman :

Shri M.K. Sharma, holding brief for Shri S.K. Tyagi, learned counsel for the applicant and Shri Saumitra Singh, the Senior Central Government Standing counsel, for Respondents, present.

2. Heard the learned counsel for the applicant on this O.A. against the suspension order dated 30.05.2006 ordered under Sub-rule (2) of Rule 10 of Central Civil Services (Classification, Control and Appeal) Rules, 1965. Shri Sharma, has contended that neither Inquiry Officer has been appointed nor

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subsistence allowance is being paid to the applicant. He, however, does not dispute that a criminal investigation is underway. It was in that connection that the applicant was arrested and detained, but, was subsequently released on bail.

3. We think, this is not a matter where suspension order should be interfered with at this stage on the ground that no Inquiry Officer has been appointed. <sup>in case of</sup> ~~Any~~ suspension under Sub-rule (2) of Rule 10 of the said Rules of 1965, the question of appointing Inquiry Officer does not arise. The applicant has not been suspended in contemplation of formal disciplinary proceedings or during the pendency of such disciplinary proceedings, but, has been suspended because of the criminal investigation pending against him. No doubt, even in such suspension, the applicant is entitled to subsistence allowance and there can hardly be any debate on that point.

4. So, we dispose of this O.A. with a direction that the applicant shall be paid subsistence allowance as per Rules for the period he remains under suspension. No order as to costs.

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(P.K. CHATTARJI)  
MEMBER (A)

*C. J. M.  
13.9.56*

(JUSTICE KHEM KARAN)  
VICE CHAIRMAN

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