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OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.**

ALLAHABAD, THIS THE 1st DAY OF MAY, 2006.

QUORUM : HON. MR. JUSTICE KHEM KARAN, V.C.

HON. MR. A.K. SINGH, A.M.

ORIGINAL APPLICATION NO. 455 OF 2006.

Abrar Khan, son of, Jamal Khan, C/O Kamal Khan,
Mohalla Mughalpura First Near Sufi Ji Ki Jyarat,
District Moradabad.

.....Applicant.

Counsel for applicants : Shri Brijesh Shukla.
Shri D.K. Tiwari.

Versus

1. Assistant Personnel Officer(M), Northern Railway,
Allahabad.
2. Divisional Railway Manager, Northern Railway,
Moradabad.
3. Senior D.P.O., Northern Railway, Moradabad.
4. Union of India through its General Manager,
Northern Railway, Baroda House, New Delhi.

.....Respondents.

Counsel for Respondents : Sri

ORDER

HON. MR. JUSTICE KHEM KARAN, V.C.

Heard Shri D.K. Tiwari, learned counsel for
the applicant on admission of this O.A.

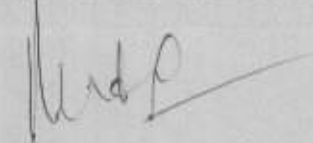
2. The applicant was placed under suspension as
back as on 26.8.2002 because of the criminal
investigation pending against him. Learned counsel
for the applicant has informed that the C.B.I.,
investigating into the matter, submitted a report to
the Court concerned under Section 173 of the Code of
Criminal Procedure and thereupon the Court took
cognizance of the matter and in due course, Trial
commenced. It appears that evidence for the
prosecution is being recorded. What Shri Tiwari

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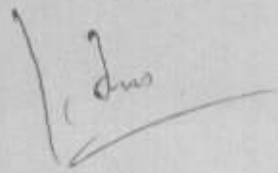
submitted⁴ is that continued suspension of the applicant for such a number of years is totally unjustified and in some of such cases, the authority concerned has revoked the suspension even though Trial into the criminal charge is pending. He has referred to Annexure-5 relating to one Noor Mohd. Khan.

3. Continuance of such suspension is at the discretion of the authority concerned. It is never the contention of Shri Tiwari that the request of the application for revocation of suspension has been turned down. We are of the view that the applicant can approach the authority concerned, if he so likes for revocation of suspension and it will be for the authority concerned to decide on merit keeping in view the facts and circumstances of the case. We find no good ground for interference. So this O.A. is not admitted and is disposed of with the observations made above.

No order as to costs.



A.M.



V.C.

Asthana/