

5

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

ORIGINAL APPLICATION NO. 355 OF 2007.

ALLAHABAD THIS THE 08TH DAY OF JUNE, 2007.

Hon'ble Mr. Justice Khem Karan, V.C

Hon'ble Mr. P.K. Chatterji, A.M

Sundar Lal son of Shri Birbal Singh, Resident of Bahjoi, Post Office,
Bahjoi, District Moradabad.

.....Applicant

(By Advocate: Sri Pradeep Chandra)

VERSUS.

1. Union of India through Secretary Ministry of Communication,
Department of Post, New Delhi.
2. Post Master General, U.P. at Bareilly.
3. Senior Superintendent of Post Office, Moradabad.

.....Respondents

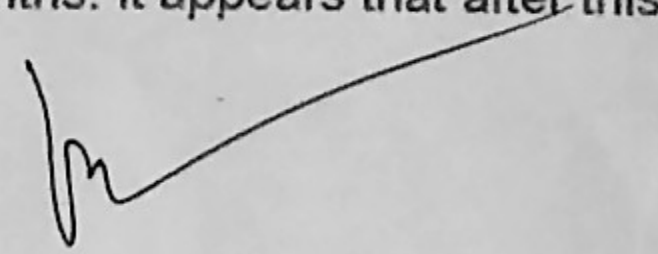
(By Advocate: Sri S. Srivastava)

ORDER

Justice Khem Karan, V.C

Heard Sri P. Chandra appears for the applicant and Sri S. Srivastava,
learned counsel for the respondents on this O.A.

2. Applicant is challenging the orders dated 15.1.2007 and 01.12.2006
(Annexures 6 and 4) to this O.A.
3. The case, in brief, is that one FIR was lodged against the applicant
and several others under sections 120-B, 420, 467, 468, 471 IPC and
section 13 (2) read with section 13(1d) of Prevention of Corruption Act by
C.B.I Dehradun. The applicant was arrested and detained and was
subsequently bailed out. It transpires that since he was detained more than
48 hours so he was deemed to be under suspension. Investigation was
progressing with its usual speed and so the applicant filed one O.A.
NO.1003/06 praying that respondents be directed to permit him to join duty
on the post of Postal Assistant and to pay salary alongwith arrears of salary.
This O.A. was disposed of vide order dated 21.9.2006 (A-2), with a direction
to the Authority concerned to consider and dispose of the representation of
the applicant, within a period of three months. It appears that after this order,



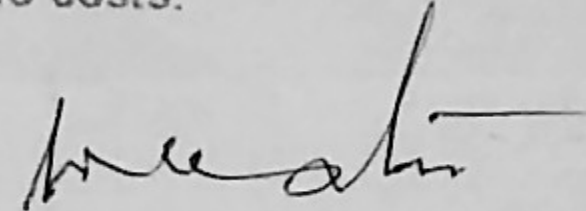
2.

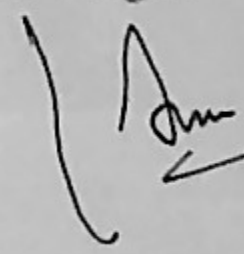
respondents passed one order on 1.12.2006 (Annexure 4) saying that since the applicant was under deemed suspension since 15.2.2006 under sub Rule 2 of Rule 10 of CCS (CCA) Rules, so he will remain under suspension until further orders. Subsequent to this order of suspension, another letter dated 16.1.2007 was issued saying that the applicant had been placed under suspension on 1.12.2006, in compliance of the orders of the Tribunal.

4. The contention of the Shri P. Chandra is that the applicant could not have been placed under suspension, in compliance of the order of the Tribunal, as Tribunal had never passed any such orders for placing the applicant under suspension. His second submission is that two proceedings, one criminal and departmental on the identical facts, cannot go on simultaneously. According to him both the impugned orders are totally illegal and deserves to be quashed.

5. We are of the view that no fault can be found with order dated 1.12.2006 (Annexure 4) because it is not in dispute that the applicant was detained in connection with criminal charges and criminal trial is still pending. In so far as the subsequent letter dated 16.1.2007 is concerned, it appears to have not happily been worded and does not depict true picture, as suspension dated 1.12.2006 was ~~not~~^{re} reiterated not in compliance of any orders of the Tribunal. There is no averment that any chargesheet has been served on the applicant, by the department. So there ^{are} ~~is~~ no good grounds for interference at this stage. O.A. is dismissed at admission stage.

No costs.


Member-A


8.6.07
Vice-Chairman

Manish/-