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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 07th day of MAY 2007.

Original Application No. 457 of 2007.

Hon'ble Dr. K.B.S. Rajan, Member J
Hon'ble Mr. P.K. Chatterji, Member A

Rajeev Kumar Tyagi, S/o Sri D.P. Tyagi, at present
Telecom District Manager, Distt: Rampur.

.... Applicant

By Adv: Sri R. Verma

V E R S U S

1. Union of India, through the Secretary, Ministry of Communications and Information Technology, Deptt. Of Telecommunication 1112, Sanchar Bhawan, 20, Ashoka Road, New Delhi.
2. Department of Telecommunication through its Secretary, 1112, Sanchar Bhawan, 20 Ashok Road, New Delhi.
3. Chief Managing Director, Bharat Sanchar Nigam Limited, Statesman House, Barakhamba Road, New Delhi.
4. Chief General Manager (Telecommunication), Bharat Sanchar Nigam Limited UP (West), Telecom Circle, Meerut.

.... Respondents

By Adv: Sri S. Singh

O R D E R

By Dr. K.B.S. Rajan, Member J

The applicant is aggrieved by order dated 17.04.2007 (Annexure A-1) whereby under the name of President, the first respondent passed the order of suspension on the ground that "a case against Shri Rajeev Kumar Tyagi, (Staff No. 20339), TDM, Rampur,

[Signature]

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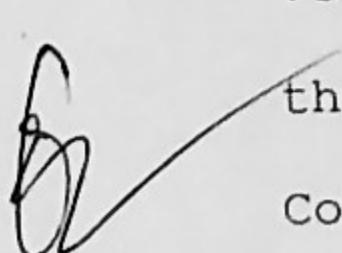
UP(W), BSNL, in respect of a criminal offence is under investigation."

2. The applicant approached the police authorities to ascertain as to whether any complaint or FIR has been lodged against him and in response thereof vide annexure 4, communication dated 19.04.2007, the police authorities Rampur have stated that no charge has been registered in any police station.

3. The applicant has now challenged the order of suspension, as according to him, in view of the clear recital of the police authorities as to the absence of any charge against the applicant, the impugned order has been passed without any application of mind.

4. The learned counsel for the applicant has submitted that in view of the above the impugned order be stayed till the disposal of the case and he relied upon the order dated 27.04.2007 in OA No. 411/07 on a identical issue, wherein the stay of suspension order has been passed.

5. We have considered the matter. The order of suspension passed under Rule 10 of the CCS (CCA) Rules is appeal-able order. However, in this case since very order itself was passed in the name of President,

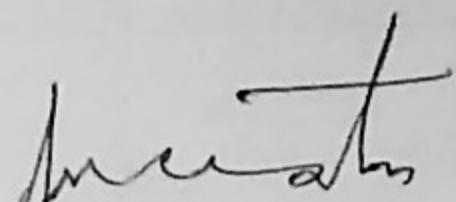
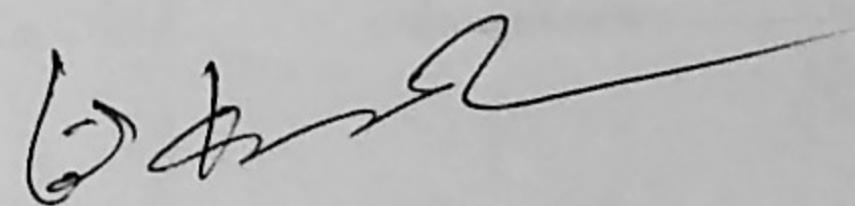
 though appeal may not lie, certainly review shall lie. Communication dated 19.04.2007 vide annexure 4 fulfills

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the requirement as per review under rule 29 (A) of the CCS (CCA) Rules. As such we are *prima-facie* satisfied that the applicant has a case, but at the same time we felt it appropriate that the matter is to be reviewed by the authorities who passed the impugned order taking into account annexure A-4 i.e. communication from the police authority Rampur. The applicant is given liberty to file a review application within three days from the date of receipt of copy of this order, in which event the respondent No. 1 shall dispose of the same within a period of three weeks from the date of receipt of such review application under the provisions of Rule 29 (A) of CCS (CCA) Rules. The stipulation of three weeks time shall be strictly followed in this case.

6. With the above direction the OA is disposed of.

No cost.


Member (A)
Member (J)

/pc/