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O.A.No.272 of 2001

ORDER DATED 26-02-2004.

Neither the Applicant;nor any of his counsel are present;when the matter is called.However, with the aid and assistance of Mr.S.B.Jena,Learned Additional Standing Counsel, appearing for the Respondents, we have perused the materials placed on record and heard him.

2. Applicant, a Junior Telecom Officer, was placed under suspension by an order dated 13.07.99. He had earlier approached this Tribunal in O.A. No. 367/1999; which was disposed of by an order dated 06.11.2000. In that earlier O.A., the Applicant had prayed for quashing of the order of suspension dated 13.07.99. This Tribunal by order dated 06.11.2000, rejected the prayer(for quashing of the order of suspension) and directed the Departmental Authorities to take-up review of the case(with regard to continuance of suspension of the Applicant)within a period of sixty days. Accordingly, the Department reviewed the matter(in the background in which the CBI informed that there has not been any change of situation for revocation of suspension) and decided for continuance of the Applicant under suspension. In the said premises, the Applicant has, again, approached this Tribunal, in the present Original Application under section 19 of the Administrative Tribunals Act, 1985.

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Contd. Order dt. 26.2.04.

3. Respondents have filed their counter reiterating the facts stated in the impugned order dated 23-03-2001.

4. Fact remains that the Applicant has been placed under suspension right from the time of investigation of the allegations (levelled against the Applicant) by the C.B.I. Unduly long suspension while putting the employee concerned to undue hardship also involves payment of subsistence allowance without the employee performing any useful service to the Government. Taking into consideration such factum, the Government of India framed Rules/ issued executive instructions for making periodical review of the continuation of suspension. It is seen that the order of suspension (impugned in this case) was reviewed on 23.03.2001 and, thereafter, what happened to the same is not forthcoming. Since the Applicant has been continuing under suspension since 13-07-1999 and since generally Criminal cases take years together to come to an end, in the interest of justice, the Authorities/Respondents are hereby directed to conduct further a/review of the order of suspension, if not already done in accordance with the existing instructions/rules forthwith and take appropriate action basing on the review report. While reviewing the matter, the Authorities/ Respondents should keep in mind as to whether there are

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Contd...Order dt. 26.2.2004.

likelihood of the trial/Departmental proceedings being affected, on reinstatement of the Applicant, and if not, then they should consider as to whether he can be given a posting, where he may not get opportunity to perpetuate the commission of the offence alleged against him.

5. With the aforesaid observations and directions, this Original Application is disposed of by leaving the parties to bear their own costs.

Yash
26/02/04
(Manoranjjan Mohanty)

Member (Judicial)

B.N.SOM
(B.N.SOM) 26/2
Vice-Chairman