

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

O.A. No. : 311/1999

Date of Order : 10.11.1999

A.S. Tariyal S/o Shri A.S. Tariyal, aged about 38 years, resident of 134, Mahadev Nagar, Jodhpur, at present employed on the post of Inspector (under suspension) in the office of Supdt. of Police, CBI, Jodhpur.

..Applicant.

Versus

1. Union of India through Secretary to Department of Personnel & Training, North Block, New Delhi.
2. Director, CBI, CGO Complex, Lodi Road, New Delhi.
3. Dy. Inspector General of Police, CBI, Tilak Marg, C Scheme, Jaipur.
4. Supdt. of Police, CBI, Polo-I, Paota, Jodhpur.

..Respondents.

Mr. J.K. Kaushik, counsel for the applicant.

Mr. N.M. Lodha, counsel for the respondents.

CORAM :

Hon'ble Mr. Gopal Singh, Administrative Member.

BY THE COURT :

Applicant, A.S. Tariyal has filed this application under section 19 of the Administrative Tribunals Act, 1985, praying for setting aside the impugned orders dated 29.10.99 at Annexure A/1 and dated 29.10.99 at Annexure A/2. The applicant has further prayed by way of interim relief for staying the operation of Annexure A/1 and A/2.

2. Counsel for both the parties have agreed for disposal of this case by a Single Member Bench, at the admission stage.

3. Applicant's case is that he was initially appointed with the respondent department as Sub Inspector in June, 1986. The applicant has been suspended vide order dated 23.10.1999 at Annexure A/3 and further the headquarter of the applicant during

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..2.

suspension period has been changed from Jodhpur to Mumbai vide Annexure A/1 and A/2. The contention of the applicant is that as per CCS CCA Rules, respondents can not change the headquarter of the applicant during suspension. He has further challenged the competence of the authority who has changed the headquarter of the applicant during suspension period.

4. Notices were issued to the respondents and they have filed their reply.

5. I have heard the learned counsel for the parties and perused the records of the case.

6. In support of his contention, the applicant has relied upon Government of India order dated 8.9.1956 printed at serial No. 9 page 207 of Swamy's Compilation of CCS CCA Rules, 1999 Edition. This order provides as under :-

 (9) Change of headquarter during suspension - An officer under suspension is regarded as subject to all other conditions of service applicable generally to Government servants and cannot leave the station without prior permission. As such, the headquarters of a Government servant should normally be assumed to be his last place of duty. However, where an individual under suspension requests for a change of headquarters, there is no objection to a competent authority changing the headquarters if it is satisfied that such a course will not put Government to any extra expensiture like grant of travelling allowance, etc., or other complications.

(G.I., M.H.A., O.M. No. 39/5/56-Ests.(A), dated the 8th September, 1956.)

It is the contention of the applicant that the headquarter during suspension can only be changed on the request of the official under suspension. Learned counsel for the respondents has submitted that in terms of Government of India order No. 3^{under}/SR 153-A, the competent authority can change the headquarter of a Government servant under suspension in the interest of public service.

7. In Government of India order dated 8.9.1956 (supra) it has been provided that the headquarter of a Government servant should normally be assumed to be his last place of duty. In my opinion, this does not mean that headquarter of a Government servant under suspension can not be changed. The last place of posting should normally be the headquarter of the Government servant during

expenses

suspension. But there can be circumstances where the headquarter of a Government servant under suspension call for a change in public interest and as such I am of the view that the Government is not precluded from changing the headquarter of a Government servant during suspension. It has further been made clear vide Government of India order No. 3 under SR 153-A that the competent authority can change the headquarter of a Government servant under suspension if this is in the interest of public service.

8. It is also seen from the records that the Deputy Director (Administration) who has issued the orders for change of headquarters is the appointing authority of the applicant and as such he is competent to change the headquarter of the applicant during suspension.

9. In the light of above discussion, I do not find any merit in this application and the same deserves to be dismissed.

10. The O.A. is accordingly dismissed with no order as to costs.

Gopal Singh
(GOPAL SINGH)
MEMBER (A)