

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.486/2002.

Tuesday this the 9th day of July 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

K.Unnikrishnan, Helper of Lineman,  
Electrical Sub Division, Minicoy,  
Kelamagath House. Pattikad,  
Trichur District.

Applicant

(By Advocate Shri T.O.Xavier)

Vs.

1. Executive Engineer,  
Department of Electricity,  
Administration of the Union Territory  
of Lakshadweep.
2. Union of India, represented by  
Secretary to Government,  
Department of Energy,  
New Delhi.

Respondents

(By Advocate Shri S.Radhakrishnan for R-1)

The application having been heard on 9th July, 2002  
the Tribunal on the same day delivered the following:

O R D E R

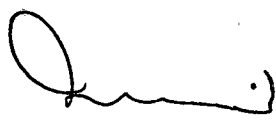
The applicant, Helper of Lineman, Electrical Sub-Division, Minicoy Island has filed this application challenging the order Annexure A-1 dated 7.3.2002 by which the first respondent has placed the applicant under suspension in exercise of powers conferred by Sub Rule 1(b) of Rule 10 of CCS(CCA) Rules, 1965 as a criminal case against the applicant is under investigation and the applicant was detained in Police custody. It is alleged that the criminal case is a foisted one, that the applicant is on bail and that there is no reason to place him under continued suspension. The applicant has, therefore, sought to set aside A-1 order and direct the 2nd respondent to allow the applicant to continue in service by revoking A-1 order of suspension.

2. Shri S.Radhakrishnan, learned counsel of the first respondent under instructions from the respondents submits that, the applicant was placed under suspension as a criminal case for offence under Section 376 of IPC is under investigation against him and that the applicant has been in Police custody for more than three weeks. He pleads that the Tribunal may not interfere in this matter.

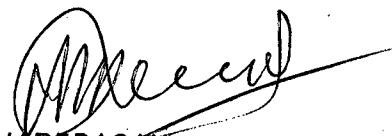
3.. On a consideration of the facts disclosed from the materials placed on record and the statement of the counsel, we do not find any reason to exercise jurisdiction in this matter. A criminal case against the applicant for a grave offence under Section 376 IPC admittedly is under investigation and the applicant had been detained in Police custody. The order placing the applicant under suspension, therefore, is unexceptionable.

4. In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 9th July 2002.



T.N.T.NAYAR  
ADMINISTRATIVE MEMBER  
rv



A.V.HARIDASAN  
VICE CHAIRMAN

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the order No.F.No.40/1/2002-Estt/Elle/515 issued by the 1st respondent to the Petitioner dt.7.3.2002.
2. A-2 : True copy of FIR No.1/2002 of Minicoy Police Station.
3. A-2(a): True English translation of Annexure A2.
4. A-3 : True copy of the order in CrI.M.C.No.2762/2002 of the High Court of Kerala at Ernakulam dated 20.3.2002.
5. A-4 : True copy of the representation submitted by the petitioner before the 1st respondent dated 25.5.2002.

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