

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.6/2000

Wednesday this the 12th day of January, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. J.L.NEGI, ADMINISTRATIVE MEMBER

N.K.Sivadasan S/o Kuttappan Nair
aged 38 years, Senior Telecom Office
Assistant, Office of the General Manager,
Telecom, Kozhikode (residing at Hari
Nivas, WestKōnot, Kunnamangalam, Kozhikode). ..Applicant

(By Advocate Mr.M.R.Rajendran Nair/Hariraj)

V.

1. Union of India represented by the
Secretary to the Government,
Ministry of Communications,
New Delhi.
2. The Assistant General Manager
(Admn) Office of the General Manager,
Telecom, Calicut.1.
3. The General Manager,
Telecommunications,
Calicut. ..Respondents

(By Advocate Mr.Govindh K Bharathan (rep))

The application having been heard on 12.1.2000, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, a Senior Telecom Office
Assistant in the Office of the General Manager, Telecom,
Kozhikode has filed this application challenging the
order dated 2.3.99 by which the second respondent has
ordered that the applicant would be deemed to have been
suspended with effect from the date of the applicant's
detention ie., the 27th February, 1999 purportedly under
the powers conferred by sub Rule (2) of Rule 10 of the
Central Civil Services (Classification, Control and
Appeal) Rules, 1965. The applicant was detained in

custody from 27.2.99 for a period exceeding 48 hours. The applicant, it seems, has made a representation for revoking the suspension on 3.8.99 for which the applicant did not get any reply.

2. Senior Central Govt. Standing Counsel under instructions from the respondents has stated that the applicant was arrested on 27.2.99, produced before the Magistrate and remanded till 12.3.99 in connection with Crime No.39/99 under Section 487(B) and 489(c) of the Indian Penal Code, that the investigation is in progress, that the case of the applicant for revocation of suspension was considered by the competent authority but found that it was not expedient to revoke the suspension and that the application has no merit.

3. We have heard the learned counsel for the applicant as also the counsel appearing for the respondents. Since the applicant has admittedly been arrested and detained in custody for a period exceeding 48 hours, the suspension of the applicant by the competent authority is perfectly justified and is in consonance with the provisions of Sub Rule (2) of Rule 10 of the CCS (CCA) Rules. If the suspension is prolonged the competent authority is not only required to consider whether the suspension should be revoked but also to see whether the quantum of subsistence allowance has to be enhanced according to the rules on the subject.

4. In the result, while declining to grant the reliefs sought for in this application, we dispose of this

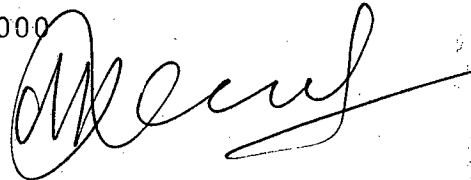
.3.

application directing the respondents to review the case of the applicant for enhancement of the quantum of subsistence allowance in due time and to issue appropriate orders. No orders as to costs.

Dated the 12th day of January, 2000



J.L. NEGI
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

|ks|