

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 7 of 2003

Thursday, this the 9th day of January, 2003

CORAM

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

1. A.P. Nallakoya,
Boat Lascar,
Office of the Port Assistant,
Union Territory of Lakshadweep,
Kavarathi (now under suspension).Applicant

[By Advocate Mr. M.R. Rajasekharan Nayar]

Versus

1. Administrator,
Union Territory of Lakshadweep,
Kavarathi, Lakshadweep.Respondent

[By Advocate Mr. S. Radhakrishnan]

The application having been heard on 9-1-2003, the
Tribunal on the same day delivered the following:

O R D E R

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

Heard.

2. The applicant was placed under suspension by Annexure A1 order dated 29-5-2001 as a case under Section 409 and 411 of IPC in Crime No.10/2001 of Kavarathi Police Station is under investigation against him and he has been arrested and produced before the Court. Alleging that the suspension was not warranted the applicant filed OA No.546/02. That OA was disposed of permitting the applicant to make a representation to the 1st respondent. The applicant made a representation to the 1st respondent seeking cancellation of the order of suspension. The 1st respondent has considered the request contained in the representation and passed Annexure A2 order

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dated 20-9-2002 rejecting the claim and upholding the order of suspension. Aggrieved, the applicant has filed this Original Application seeking to set aside Annexure A1 and A2 orders.

3. The applicant has admittedly been placed under suspension as a criminal case against him is under investigation and that he has been arrested. The question to be considered is whether there is any justification to keep the applicant under suspension. The only ground stated in the Original Application is that there is no evidence to prove that the applicant had committed the offence. That is something which is to be determined by the competent Court after investigation and trial. Now that there is a criminal case ~~is~~ under investigation against the applicant, which is a fact that is not disputed, we are of the considered view that the action of the competent authority cannot be faulted in placing the applicant under suspension. The 1st respondent considered the representation and disposed it of by Annexure A2 order giving cogent reason why the request for cancellation of the suspension cannot be acceded. We find no occasion for judicial intervention in the matter and, therefore, the Original Application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Thursday, this the 9th day of January, 2003



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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