

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.151 of 1998

Thursday this the 29th day of January, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

A. Muraleedharan Nair
Phone Mechanic,
Office of the Sub Divisional Engineer,
Shankumugham, Kaithamukku. ...Applicant

(By Advocate Mr. G.Sasidharan Chempazhanthiyil)

Vs.

1. Divisional Engineer, Telecom (N.W)
Ulloor, Thiruvananthapuram.
2. Union of India, rep. by its Secretary,
Ministry of Communications, New Delhi. ..Respondents

(By Advocate Mr. Sunil Jose, ACGSC (represented))

The application having been heard on 29.1.98, 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 Phone Mechanic was placed under suspension by order dated 22.10.97 as a criminal case was under investigation against him for the alleged acceptance of illegal gratification. Investigation is said to be over and a charge sheet has been filed in the court. The case is therefore, pending trial. The applicant has filed this application for a declaration that the continuance of the suspension of the applicant even after the completion of the investigation is illegal and for a direction to pass appropriate orders in his representation A2.

2. Learned counsel argued that as the applicant was placed under suspension only as an investigation was in progress, once the investigation is complete and the charge

sheet has been filed the disciplinary authority has no power to continue him under suspension. We are of the considered view that this argument is not based on any legal provision. It is worthwhile to extract the relevant portion of Rule 10 of the C.C.S. (CCA) Rules, which would make the decision very clear:

10(1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any authority empowered in that behalf by the President, by general or special order, may place a Government servant under suspension--

(a) where a disciplinary proceeding against him is contemplated or is pending; or


(aa) where in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State; or

(b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

When a case is either under investigation, inquiry or trial, it is open for the disciplinary authority or the authority mentioned in the provision to place an officer under suspension. Nowhere it is stated that at every stage of the case, investigation, inquiry as also trial separate orders of suspension has to be issued. The application, therefore, is misconceived and it is rejected under Section 19(3) of the Administrative Tribunals Act. No order as to costs.

Dated the 29th day of January, 1998.


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURE

1. Annexure A2: Representation dated 20.12.1997 submitted by the applicant to the 1st respondent .

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