

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.39/2002

Friday this the 11th day of January, 2002

CORAM

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

K.Sahadevan, S/o N.Kumaran,
Upper Division Clerk (under suspension)
Prasar Bharathi, Doordarsan Kendra,
Trivandrum.43. .
residing at F.63, Krishna Vilas,
Kudappanakunnu, Trivandrum.43.

...Applicant

(By Advocate Mr.S.Sreekumar & KC Eldho (rep)

V.

1. The Director,
Prasar Bharathi (Broadcasting Corporation)
Ltd. Doordarshan Kendra,
Trivandrum.43.

2. Union of India represented
by the Secretary to Ministry of
Information and Broadcasting,
New Delhi.1.

...Respondents

(By Advocate Mr. R. Prasanth Kumar B.com, LL.B.,

The application having been heard on 11.1.2002, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, an Upper Division Clerk under the
Prasar Bharathi Corporation, Trivandrum has filed this
application impugning the order dated 15.11.2001
(Annexure.A1) issued by the 1st respondent placing him
under suspension in exercise of powers conferred by Sub
Rule (1) of Rule 10 of the CCS (CCA) Rules, 1965 as
disciplinary proceedings against him was contemplated.
The applicant has alleged that reason for placing the
applicant under suspension was because the applicant was

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called upon by the C.B.I to be present for questioning in connection with a C.B.I case against the Doordarsan officials and that the applicant has not committed any misconduct. However, it is alleged in the application that shortly after the day next the issue of Annexure.A1 order the applicant has been served with a memorandum of charges dated 16.11.2001 which according to him is not based on true facts. With these allegations, the applicant seeks to set aside the impugned order.

2. We have heard the learned counsel appearing for the applicant and the counsel appearing on behalf of Shri Prasanthkumar, ACGSC and have perused the application and other materials placed on record. Suspension is a routine administrative matter. It is not a punishment. However, before placing an officer under suspension requisite circumspection should be there. From the impugned order Annexure.A1 we find that a disciplinary proceedings against the applicant was contemplated, the competent authority considered it necessary to place him under suspension and therefore, the applicant was placed under suspension. We also find the very next day of the impugned order the applicant was served with a Memorandum of Charges containing four articles of charges including the charge of demand for illegal gratification. Therefore, the contemplated disciplinary proceedings have become a reality the next day and the misconduct for which the applicant has been charge-sheeted are not trivial or minor matters. Under these circumstances, we do not find any reason to interfere in the matter.


3. The application is therefore rejected under Section 19(3) of the Administrative Tribunals Act.

Dated the 11th day of January, 2002


T.N.T. NAYAR'

ADMINISTRATIVE MEMBER

(s)


A.V. HARIDASAN
VICE CHAIRMAN

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of order, vide No.DTCT 1(6)2001-11-13 dated 15.11.2001 issued by the first respondent.
2. A-2 : True copy of Memorandum vide No.8/(1)2001 A1/DKT(KS)(Pt) dated 16.11.2001, by the respondent to the applicant.
3. A-3 : True copy of Memo No.DTCT:1(1)2001 dated 7.11.2001 issued by the respondent to the applicant.
4. A-4 : True copy of representation dated 16.10.2000 submitted by the applicant before the 1st respondent.
5. A-5 : True copy of memorandum, vide No.74(1)2000-A1/DKT dated 18.12.2000 of 1st respondent.
6. A-6 : True copy of explanation dated 6.12.2001 submitted by the applicant to the respondent.

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