

Central Administrative Tribunal Lucknow Bench Lucknow.

O.A. 360/2006.

This, the 18th day of July, 2007
Hon'ble Mr. Justice Khem Karan, Vice Chairman.
Hon'ble Mr. A. K. Singh, Member (A).

Smt. Ram Lali Devi, aged about 57 years, Wife of Late Devendar Kumar, Resident of House No. 115, Geeta palli, alambagh, Lucknow, U.P.

... Applicant.

By Advocate Shri Zubair Hasan.

Versus

1. The Union of India, through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. The General Manager, Canteen Stores Department, Adelphi, 119, M. Kerve Road, Mumbai 400 020 (Maharashtra).
3. The Joint General Manager-II, Canteen Stores Department, Adelphi, 119, M. Kerve Road, Mumbai 400 020 (Maharashtra).
4. The Area Manager, Canteen Stores Department, Cantonment Road, Lucknow Cantt.

Respondents.

By Advocate Shri K.K. Shukla.

By Hon'ble Mr. Justice Khem Karan, Vice Chairman.

1. The applicant Smt. Ram Lali Devi has filed this O.A., challenging the order dated 21.10.2005 by which Joint General Manager-II (Respondent No 3) has treated her under suspension w.e.f. 15.9.2005 in terms of Rule 10 (1) (b) of CCS (CC&A) Rules 1965. She prays that the respondents be directed to reinstate her in service, with full arrears and all other consequential benefits as if she was never under suspension.
2. It appears that the applicant was arrested on 30.4.99 in connection with a case under Section 498-A, 304-B IPC and under Section 3/4 of the Dowry Prohibition Act and

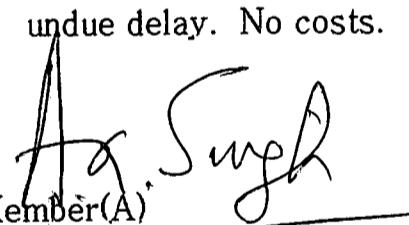
remained under detention for more than 48 hours . Vide order dated 7.6.1999, the Joint General Manager-II placed her under deemed suspension as applicant was in detention. On 27.9.99, the applicant was released on bail. She filed O.A. 1/2000 against deemed suspension order dated 7.6.99 ,on the grounds inter alia that the Joint General Manager-II was not competent to pass such an order. It appears in this O.A. of 2000, a prayer relating to release of family pension was also made. This Tribunal disposed of the said O.A. vide its order dated 31.10.2005. A perusal of order dated 31.10.2005(Annexure A-6) reveals that the plea against the suspension order was not accepted. As regards the issue of pension or family pension, Tribunal issued certain directions. Aggrieved of the part of this order, applicant filed Writ Petition No. 185/2006 before the Hon'ble High Court at Allahabad Bench. It transpires from perusal of order dated 10.2.2006(Annexure 7) passed the Hon'ble High Court in the said Writ petition, that as regards the impugned order dated 21.10.2005, the court relegated the applicant to the Tribunal. So the applicant has come here again. The learned counsel for applicant states that in the said Writ Petition is still pending.

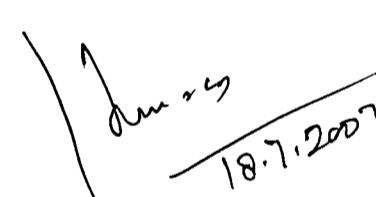
3. We think that when this Tribunal has already adjudicated in the earlier O.A. that the suspension order passed by Joint General Manager-II cannot be said to be without jurisdiction or without competence, the same point cannot be urged again for assailing suspension order dated 21.10.2005.

Learned counsel for the applicant states that no such deemed

suspension could have been given effect from retrospective date, but after going through Rule 10 of the Rules of 1965, we do not find any force in the submissions. The authority has directed deemed suspension from the date of the order of the Tribunal, not from the date of the order of detention or completion of 24 hours of detention. The criminal investigation is still pending. Such an order of suspension as 21.10.2005, from the date of order of this Tribunal in earlier O.A., cannot be said to be legally unjustified.

4. The O.A. appears to be is not well-founded and so is dismissed. In case, subsistence allowance has not been paid, the applicant may approach the authority will concerned and authority take a necessary without any undue delay. No costs.


Member(A)


Vice Chairman.

18.7.2007