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**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.192/2007
This the 31st day of May 2007

HON'BLE MR. A.K. SINGH, MEMBER (A)
HON'BLE MR. M. KANTHAIAH, MEMBER (J)

Laxman Singh Bisht, aged about 41 years, son of Late Shri R.S. Bisht, Resident of 568/25-GHA, Bisht Collage, Kailashpuri, Alambagh, Lucknow.

...Applicant.

By Advocate: Shri Praveen Kumar.

Versus.

Union of India through

1. The Secretary, Ministry of Defence, New Delhi.
2. Principal Director Defence Estate, Central Command, 17, Carrrippa Road, Lucknow Cantt. Lucknow.
3. Defence Estate Officer, Lucknow Circle, 30 Nehru Road, Lucknow.

By Advocate: Shri Atul Dixit for Dr. Neelam Shukla.

Shri Rajendra Singh for R-2 &3.

ORDER (Oral)

BY HON'BLE MR. MR. A.K. SINGH, MEMBER (A)

O.A.No.192/2007 has been filed by the applicant, L.S. Bist (of the address given in the OA) against the impugned order of suspension dated 30.06.2006, [annexed as (Annexure-1) to the OA].

2. The brief facts of the case are that the applicant has been working on the post of LDC and has rendered more than 22 years of service with the respondents. The applicant was arrested and accordingly detained in the custody by the Central Bureau of Investigation (CBI) in pursuance of a case Regd. As per RC. 0062006A0009 under Section 7 and 13 (2) read with 13 (1) (d) of Prevention of Corruption Act, 1988 for allegedly demanding and accepting illegal gratification from one Sri Raju Sonkar. In pursuance

to the same the Competent authority suspended the applicant by order-dated 30.06.2006 enclosed as per (Annexure-1) to the OA. As per Sub rule (6) of Rule 10 of CCS (CCA) Rules, 1965, an order of suspension made or deemed to have been made under this rule shall be reviewed by the authority which is competent to modify or revoke the suspension, before expiry of 90 days from the date of order of suspension, on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. However, there is no explanation from the counsel for the respondents before the Court on the point whether statutory review has been taken within the prescribed period of time or not.

3. The Counsel for applicant Shri Praveen Kumar submits that no review has taken place in the matter relating to suspension of the applicant within the prescribed period of 90 days. Shri Atul Dixit holding brief for Dr. Neelam Shukla submits that the applicant has already sought remedy within the department by filing an appeal against the impugned order of suspension before the appellate authority and the same is under then consideration, this Tribunal is not entitled to hear this OA at this stage.

4. We have considered the submissions made by the learned counsel on both sides. We find that the interest of justice will be adequately met if a suitable directions is issued to the competent authority, namely respondent No.2, who is vested with the power of hear the appeal against the impugned order of suspension, to consider and decide the matter taking into account the submissions of the applicant that the statutory requirement of review of the suspension order within 90 days from the date of suspension have not taken place and hence the impugned order of suspension is not maintainable in law. Since all the relevant records will be available

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before the appellate authority, he will consider the points of law refused by the applicant and to decide the same, through a speaking order within a period of 2 months from the date of receipt of this order. However, if the applicant is still aggrieved by the decision/orders of the Appellate authority, liberty is given to him to approach this Tribunal again, if so advised.

5. The OA is disposed of with the above direction. No costs.


(M. KANTHAIAH)
MEMBER (J)

/amit/ 31/5/7


(A.K. SINGH)
MEMBER (A)