

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 200 /2010

This the 6th day of May, 2010

Hon'ble Mr. Justice Shiv Charan Sharma, Member (J)

Hon'ble Dr. A.K. Mishra, Member (A)

Pradeep Kumar Singh aged about 37 years son of Sri Vijay Pal Singh r/o C-1029, Rajajipuram, Lucknow.

Applicant

By Advocate: Sri S.M. Royakwar

Versus

1. Accountant General (Commercial and Receipt Audit), Uttar Pradesh, 6th Floor, Kendriya Bhawan, Sector H, Aliganj, Lucknow-226024.
2. Senior Deputy Accountant General, (Commercial and Receipt Audit), Uttar Pradesh, 6th Floor, Kendriya Bhawan, Sector H, Aliganj, Lucknow-226024
3. U.P. Public Service Commission, U.P. Allahabad, through its Secretary.

Respondents

By Advocate: Sri Deepak Shukla

ORDER (oral)

Hon'ble Mr. Justice Shiv Charan Sharma, Member (J)

We have heard Sri S.M. Royakwar, Advocate for the applicant and Sri Deepak Shukla for respondents and we have perused the entire material of the case.

2. It has been argued by the learned counsel for the applicant that applicant is an employee of Indian Audit and Account Department and in order to appear in combined State/ Upper Subordinate Service Examination, 2008 he applied to the Department concerned for granting NOC to him but the office of Accountant General granted him NOC with a rider that it will be subject to final decision of the Hon'ble Court in the Case No. 43/2010.


3. Learned counsel for the applicant emerged that some Criminal case is pending and registered as Crime Case No. 43/2010 U/s 498A/323/504/506 of IPC and 3/4 of D.P. Act at police station Kidwai Nagar, Kanpur. It has also been emerged that applicant was arrested by the police on 14.3.2010 and released


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on 20.3.2010 on bail granted by the Session Court, Kanpur and still the matter is pending before the Chief Metropolitan Magistrate, Kanpur.

4. Applicant counsel stated that as a result of fabrication of his wife, the applicant was arrested and thereafter released on bail and on this account the applicant was put under suspension but afterwards the order of suspension was revoked. It is ~~not~~ ^{is} unjustified on the part of the respondents to grant NOC with a rider that it will be subject to final decision of the court's order. It has been provided in the rule that if a person remained in jail for more than 48 hours, then he will be put under suspension whereas in the present case, the applicant remained in jail from 14th March, 2010 upto 20th March, 2010 and that is why he was put under suspension but considering ^{the} whole the circumstances, his suspension order was revoked but merely order of revocation ^{of} the suspension ^{is} will not amount acquittal of the applicant or exonerating the charges made against the applicant of the complaint. Nothing can be said about the out come of the criminal case and in our opinion the Department was fully justified in granting NOC to the applicant subject to decision of the court's order in criminal case. We think that by passing such an order, the respondents have ^{not} ~~infringed~~ ^{infringed} any fundamental right. Moreover, the NOC has already been granted to the applicant, only ^a condition has been imposed.

5. We are of the opinion that there is nothing abnormal in granting the NOC to the applicant on the condition that it will be subject to the decision of the court's order. There is no substance in the O.A. and it is liable to be dismissed. The O.A. is dismissed summarily. No order as to costs.


(Dr. A.K. Mishra)
Member (A)

 6.5.2010.
(Shiv Charan Sharma)
Member (J)

HLS/-