

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION NO. 472 of 1992.

this the 17th day of February'2000.

HON'BLE MR D.C. VERMA, MEMBER(J)

HON'BLE MR A.K. MISRA, MEMBER(A)

Ram Gopal, aged about 34 years, S/o Late Sri bateshwari Dayal, Resident of House No. 4/286, Vikas Nagar, Lucknow employed as LDC in the office of Dy. Director, Song and Drama Division, Lucknow Region, Lucknow.

Applicant.

By Advocate: None.

Versus.

Union of India through the Secretary, Ministry of Information & Broadcasting, New Delhi.

2. Director, Song and Drama Division, Ministry of Information & Broadcasting, Government of India, New Delhi.

3. Dy. Director (Admn.) Song and Drama Division, Ministry of Information & Broadcasting, Govt. of India, New Delhi.

4. Dy. Director, Song and Drama Division, Ministry of Information & Broadcasting, Govt. of India, Lucknow.

Respondents.

By Advocate: Sri A.K. Chaturvedi.

ORDER (ORAL)D.C. VERMA, MEMBER(J)

This O.A. is by the applicant to set-aside the impugned order of suspension dated 25.6.92 contained in Annexure-3 to the O.A., and the impugned order dated 31.8.92 by which the impugned order of suspension has been confirmed by the respondent no.3.

2. The facts of the case is that the applicant^{who} was LDC in the office of Dy. Director, Song & Drama Division, Ministry of Information & Broadcasting,


Lucknow, was married to Kusum Gupta. The wife of the applicant filed a case under section 9 of the Hindu Marriage Act, 1955 in the court of Civil Judge, Kheri which was registered as R.S. No. 72/85. According to the recitals made in the O.A., a compromise was made between both the parties in the court of Civil Judge, Kheri on 24.3.92 as a result of which the wife of the applicant joined him at Lucknow. However, on 7.6.92, the applicant's wife left the house against which the applicant lodged an FIR with the Police Station, Aliganj, Lucknow. Later on, it was found that the wife of the applicant ^{had} ~~was~~ also lodged an FIR on 8.6.92 with Chowki Incharge, Vikas Nagar, Lucknow, against the applicant and his mother alleging harassment. The applicant and his mother were arrested under section 498 of IPC. Though the applicant was released on bail on 10.6.92, he was not allowed to join his duty. As the applicant had been detained for more than 48 hours, ~~and~~ under deeming provisions of CCS (CCA) Rules 1965 under sub-rule 2 of Rule 10, an order was passed on 25.6.92 for suspension of the applicant. The suspension order was subsequently, confirmed by the second impugned order dated 31.8.92. Both these orders have been challenged by this O.A.

3. The learned counsel for the respondents has by filing Supplementary Counter brought on record the order dated 2.2.93 (Annexure S-1) by which the order of suspension has been revoked with immediate effect. Annexure S-2 shows that in consequence of the ~~revocation~~ revocation of the suspension order, the applicant joined on 5.2.93. In the Rejoinder, it has been stated that suspension order has been revoked and the applicant has been transferred on promotion to Bhopal. As the suspension of the applicant has been revoked, the facts remain with regard to intervening period i.e. period of suspension. The department has

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to pass an appropriate order to the same, as submitted by the learned counsel for the respondents, will depend-upon after the criminal proceedings are concluded and orders will be passed by the competent authority.

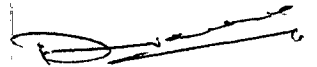
4. After considering the facts on record, we dismiss this O.A. with the observation with regard to intervening period of suspension, the applicant may at the appropriate stage make a representation to the department and after the said representation is decided, it will, however, be open to the applicant to approach this Tribunal, incase he has any grievance. No costs.



MEMBER(A)

Lucknow:Dated 17.2.2000

Girish/-



Member(J)