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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

CAMP : NAGPUR.

ORIGINAL APPLICATION NO.89/90.

N.S. VERULKAR,
Adarsh Colony,
Near Gandhinagar Post Office,
AKOLA.

.. Applicant.

V/s.

1. Station Engineer,
Television Maintenance Centre,
Akola.
2. The Director General,
Doordarshan,
Mandi House, Copernicus Marg,
New Delhi - 110 001.
3. Union of India, through
Secretary,
Ministry of Information &
Broadcasting,
New Delhi.

.. Respondents.

Coram : Hon'ble Shri Justice U.C. Srivastava, Vice Chairman.
Hon'ble Shri P.S. Chaudhuri, Member (A).

Appearance:

Mr.S.V. Gole, Advocate
for the applicant.

Mr.Ramesh Darda, Counsel
for the Respondents.

ORAL JUDGMENT

12-7-91
DATED: 1-8-1991

{ PER : Hon'ble Shri U.C. Srivastava, Vice Chairman }

The applicant who was appointed in 1964 in All India Radio, Bombay was transferred to Doordarshan Kendra, Bombay where he was subsequently promoted as Accountant. Thereafter he was transferred to All India Radio Centre, Parbhani in 1981, which post he joined on 26.2.1981. While he was working as Accountant at AIR, Parbhani, a CBI raid was conducted on 17.3.1983 at his residence. After the CBI raid nothing was recovered from his house. He was transferred from Parbhani to Akola. A suspension order dated 8.7.1986 was served on him stating that some criminal offence is under trial against the applicant. Against the suspension order the applicant made a representation to the Director General, Doordarshan and his reply in this behalf is still awaited. In

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the meantime promotions were made and the juniors to the applicant were promoted.

2. The respondents have admitted that the question of his promotion as Administrative Officer was considered by the DPC and he was not found suitable for promotion during this period and that is why he was not promoted. Suspension order has been issued as per the provisions contained in paras 2.5 and 2.7 of Chapter-V of Vigilance Manual Volume-I regarding suspension of Government servants against whom a charge sheet has been filed in court. The case is still pending in the Court of Special Judge, Greater Bombay and the enquiry to investigate into it has already started and hearing took place on three occasions. So long as the Criminal case remains pending the suspension order cannot be revoked in view of the provisions of law.

3. It may be so, but it is not open to the Vigilance Department to keep the matter pending for years together and the Department is also sitting tight over the matter by not performing its duty. The applicant made a representation and filed representations for reviewing the suspension order which should be reviewed after every six months. The department should have considered the applicant's representations against the suspension order. It is always open to the department to pass an appropriate order in this behalf more so when the proceedings are lingering and not delayed at the instance of the suspended employee.

4. Accordingly, the application deserves to be allowed to the extent that a direction is issued to the respondents to dispose of the representations of the applicant taking into consideration the fact that he is under suspension from 1986. His plea regarding subsistence allowance etc., should be considered in accordance with law taking into consideration

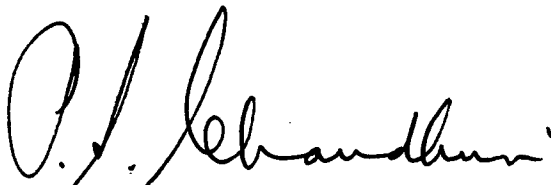
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the rule position within a period of two months from the communication of this order.

5. We hope that the Criminal Court will also try to dispose of the case as early as possible. In case the case is not disposed of within six months it will be open to the applicant to approach the Tribunal afresh for quashing the suspension order.

6. The application stands disposed of finally with the above directions.



(P.S. CHAUDHURI)
MEMBER (A).



(U.C. SRIVASTAVA)
VICE CHAIRMAN.