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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,  
JAIPUR

Date of order: 13.1.1998

OA No.88/1995

Suraj Mal Meena, presently posted as Assistant Accounts Officer/Enforcement Officer (under suspension) in the office of the Regional Provident Fund Commissioner, Rajasthan, Jaipur.

.. Applicant

Versus

1. The Union of India through Secretary, Ministry of Labour, Government of India, New Delhi.
2. Central Provident Fund Commissioner, 9th Floor, Mayur Bhawan, Cannaught Place, New Delhi.
3. Regional Provident Fund Commissioner, Nidhi Bhawan, Vidhut Marg, Jyoti Nagar, Jaipur.

.. Respondents

Mr. R.N.Mathur, counsel for the applicant

Mr. N.K.Jain, counsel for the respondents

CORAM:

Hon'ble Mr. O.P.Sharma, Administrative Member

Hon'ble Mr. Ratan Prakash, Judicial Member

ORDER

For Hon'ble Mr. O.P.Sharma, Administrative Member

In this application under Section 19 of the Administrative Tribunals Act, 1985, Shri Suraj Mal Meena has prayed that the order of suspension dated 14.10.1993 (Ann.A2) may be quashed, directing the respondents to revoke the suspension of the applicant as it has been prolonged. He has further prayed that the order granting sanction for prosecution may be declared as unlawful. The applicant has further sought any other direction which

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may be appropriate in the circumstances of the case.

2. The case of the applicant is that he was placed under suspension vide order dated 14.10.1993 (Ann.A2) in contemplation of disciplinary proceedings against him. A criminal case was also registered against the applicant by filing an F.I.R. dated 15.10.1993 (Ann.A3). One more criminal case was subsequently registered against the applicant on 29.7.1994 by filing an F.I.R. It is at Ann.A4. Anticipatory bail was granted to the applicant by the Additional Session Judge in the matter relating to the F.I.R. dated 29.7.1994. However, in both the cases the challan has not been filed so far. No chargesheet in the disciplinary proceedings has also been issued to the applicant so far. The applicant is, therefore, aggrieved with prolonged suspension, which has continued since October, 1993. He cited instructions of the Government of India containing guidelines regarding placing an official under suspension and has added that the applicant is not in a position to interfere with the investigations and, therefore, there is no justification for continuance of his suspension. He also cited certain judgments of the Courts to plead that suspension in circumstances of the nature prevailing in the present case should not be continued indefinitely.

3. The respondents alongwith their reply have annexed the Memorandum of Charges issued to the applicant dated 8.6.1995 by which major penalty proceedings have been initiated against the applicant. They have also placed on record a copy of the challan presented in the case in which F.I.R. was filed on 15.10.1993. The said challan is at Ann.R3. In these circumstances, they have stated that there is no question of revoking the

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suspension of the applicant. They have stated that the charges against the applicant are serious involving allegation of fraud, forgery, embezzlement etc. and, therefore, the order of reinstatement of service of the applicant at this stage would not be justified.

4. We have heard the learned counsel for the parties and have perused the material on record.

5. The learned counsel for the applicant has cited before us a judgment of the Hon'ble Rajasthan High Court in Dr. B.M.Bhra Vs. State of Rajasthan reported at RLR 1991 page 383, wherein the High Court has referred to certain other judgments also on the subject and has come to the conclusion that suspension of the petitioner in that case was not justified. He added that the applicant is not now in a position to influence the course of investigation because the investigation has already <sup>been</sup> completed and a challan has been presented in the Court of Law with regard to the first FIR. The learned counsel for the respondents has, however, stated that the charges against the applicant are very serious involving embezzlement to the tune of Rs. 13 lakhs and, therefore, revocation of the suspension of the applicant at this stage would not be justified.

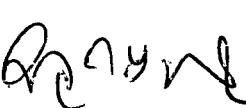
6. We have considered the matter carefully. In the circumstances of the present case, we do not deem it appropriate to direct the respondents to revoke the suspension of the applicant. However, the respondents are expected to review the orders of suspension from time to time. We, therefore, direct the respondents that they should themselves undertake a review to find out whether suspension of the applicant should be continued or it should be reviewed. They should undertake this review

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within a period of 3 months from the date of receipt of a copy of this order.

7. As regards the disciplinary proceedings initiated against the applicant, it is seen that the chargesheet was issued to the applicant on 8.6.1995 vide Ann.R1. The learned counsel for the respondents has not been able to inform us about the stage on which the disciplinary proceedings rest. In the circumstances, we expect the respondents to finalise the disciplinary proceeding expeditiously preferably within a period of 6 months from the date of receipt of a copy of this order. We cannot issue any direction regarding declaring the grant of sanction for prosecution of the applicant as unlawful.

8. The OA stands disposed of accordingly at the stage of admission. No order as to costs.

  
(Ratan Prakash)

Judicial Member

  
(O.P. Sharma)

Administrative Member