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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR-BENCH, JAIPUR.

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Date of Decision: 22.5.2000

OA 67/99

K.L.Sharma, District Opium Officer (under suspension), in the office of  
Deputy Narcotics Commissioner, Rajasthan, Kota.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Finance, Deptt. of Revenue, New Delhi.
2. Commissioner, Narcotics, Central Bureau of Narcotics, 19, The Mall, Morar, Gwalior (MP).
3. Dy.Narcotics Commissioner, Central Bureau of Narcotics, Kesar Bhawan, Station Road, Kota.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.V.SRI KANTAN, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.P.P.Mathur, proxy counsel for  
Mr.Vinod Goyal

For the Respondents

... Mr.Sanjay Pareek

O R D E R

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

In this OA the applicant makes a prayer to quash and set aside the order dated 5.1.99 and to direct the respondents to modify the order dated 4.12.98 to the extent that headquarters of the applicant during the suspension shall remain at Kota.

2. In brief, the facts of the case, as stated by the applicant, are that the applicant was holding the post of District Opium Officer in the Central Bureau of Narcotics and he was placed under suspension vide order dated 4.12.98 under Rule-10 of the CCS (CCA) Rules, 1965. It is stated that during the period of suspension the headquarter of the applicant was changed from Kota to Gwalior. The applicant filed representation against the change of headquarters on 15.12.98 but the same was rejected vide order dated 5.1.99. It is stated that the applicant was posted at Kota and he is residing at Kota since 26.3.98 with family, which consist of his wife, one daughter, two sons and mother having the age group of 85 years, who is suffering from different diseases and requires regular treatment. It is also stated that no charge-sheet was served upon the applicant and there was no complaint against the applicant. Therefore, there was no justification to change the headquarters of the applicant. It has also

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been stated that the applicant was not given any subsistence allowance. Therefore, the applicant filed this OA for the relief as mentioned above.

3. Reply was filed. In the reply it has been stated that against the applicant while serving as District Opium Officer at Kota, complaints were received for alleging serious charges of illegal gratification and corruption for issuance of licences. Preliminary inquiry was conducted and it was noticed that the applicant issued a number of licences in violation of norms. Therefore, the competent authority placed the applicant under suspension and ordered inquiry into the allegations. It is also stated that applicant's headquarter was changed to a place other than the place of his posting in the interest of administration and in the interest of fair inquiry. It is also stated that the applicant was ordered to be paid subsistence allowance according to the rules and applicant has no case for interference by this Tribunal.

4. Rejoinder has also been filed reiterating the facts stated in the OA, which is on record.

5. Heard the learned counsel for the parties and also perused the whole record.

6. The respondents have categorically stated that the headquarter of the applicant was changed in the interest of administration so that inquiry may be conducted fairly against the applicant. It is also stated that subsistence allowance was ordered to be paid to the applicant vide order dated 9/11.3.99. Therefore, by the reply filed by the respondents they have requested to dismiss this OA with costs.

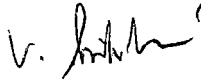
7. Admittedly, the applicant was placed under suspension in contemplation of departmental inquiry against him and it is also stated by the learned counsel for the respondents that criminal proceedings have been initiated against the applicant and FIR No.32 dated 19.5.99 was filed before the CBI, Jaipur. The headquarters of the applicant alleged to have been shifted other than his place of posting because of administrative reasons so that inquiry may be conducted in a fair manner. The respondent department has categorically stated in the reply that the headquarter of the applicant was shifted in the administrative exigencies. In case the applicant is having any personal difficulties in comparison to the administrative exigencies, those personal difficulties may be over-looked by the department if administrative exigencies are necessary to be taken into consideration in the interest of fair inquiry to be conducted against

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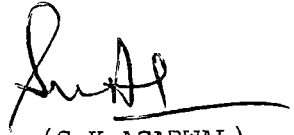
the applicant. In view of the facts and circumstances of this case and reply filed by the respondents, we do not find any basis to interfere in the impugned order of change of headquarters. As the subsistence allowance has already been ordered to be paid to the applicant and there is no justification to interfere in the impugned order regarding change of headquarters, we have no alternative except to dismiss this OA.

8. We, therefore, dismiss this OA having no merit, with no order as to costs.



(V.SRI KANTAN)

MEMBER (A)



(S.K.AGARWAL)

MEMBER (J)