

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 391 of 2000

Jabalpur, this the 3rd day of December, 2003

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Brij Mohan Paliwal, S/o. Late Shri ML P-
aliwal, aged 58 years, Chief Accounts
Officer, R/o. 19, Prakash Nagar,
Indore. Applicant

(By Advocate - Shri V. Tripathi)

V e r s u s

1. Union of India,
through its Secretary,
Ministry of Communication,
Department of Telecommunication,
New Delhi.
2. The Director General,
Ministry of Communication,
Dept. of Telecommunication,
East Block, 1 Wing II, Ground
Floor, RK Puram,
New Delhi - 110066.
3. The Asstt. Director (General),
(Vigilance), Deptt. of Teleco-
munication, East Block, 1, Wing II,
Ground Floor, RK Puram,
New Delhi. 110066.
4. Chief General Manager,
M.P. Telecom Circle, Bhopal,
Madhya Pradesh. Respondents

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

The applicant has filed this Original Application seeking direction to set aside the suspension order dated 02.05.2000 (Annexure A-1) and has also sought to direct the respondents to reinstate the applicant with all consequential benefits.

2. The brief facts of the case are that the applicant

was initially appointed as Clerk in the P & T Department on 2nd December, 1963. Subsequently he was promoted to the post of Chief Accounts Officer, Telecom with effect from 18.11.1998. According to the applicant he was falsely implicated in a trap case when he was posted at the office of Telecom District Manager, Mandsaur. From Mandsaur the applicant was transferred to Khandwa by an order dated 25.10.1999. While he was posted at Khandwa he was placed under suspension vide order dated 02.05.2000. Later on the Special Court, CBI, Indore vide order dated 28.9.01 found that no criminal offence is made out against the applicant. Before the aforesaid order is passed by the Special Court CBI, the order of suspension was revoked vide order dated 20.02.2001. The applicant has since retired from service w.e.f. 30.09.2002 on attaining the age of superannuation. Before the retirement of the applicant a charge sheet was issued on 04.06.2002 and the disciplinary proceedings are still continuing even after his retirement.

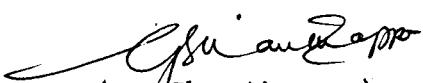
3. Heard both the learned counsel for the parties and perused the records. It is an admitted position that the suspension order has been revoked by the respondents in February, 2001 and the applicant has retired on 30.09.2002. The respondents have not yet taken any decision to regulate the period of suspension from 02.05.2000 to 20.02.2001. Since the applicant has retired, no disciplinary proceedings can be continued against the applicants under the CCS (CCA) Rules. Only proceedings under CCS (Pension) Rules 1972 are pending against the applicant. The contention of the applicant is that since he has retired from service the period of suspension should be regulated under Fundamental Rule 54-B. On the other hand the learned counsel

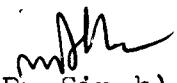
for the respondents has submitted that the decision to regulate the period of suspension will be taken only after the proceedings under CCS (Pension) Rules are concluded.

4. Keeping in view the above facts, we are of the considered view that, as the applicant was placed under suspension because of the trapping in the criminal offence which was under investigation and as the investigation is over and the Special Court of CBI has already exonerated the applicant, the period of suspension has nothing to do with the departmental proceedings under the CCS (Pension) Rules, 1972.

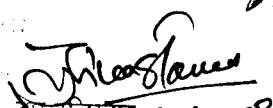
5. We, therefore, direct the respondents to take a decision to regulate the period of suspension from 02.05.2000 to 20.02.2001 as per Fundamental Rule 54-B, within a period of two months from the date of receipt of copy of this order. OA stands disposed of accordingly.

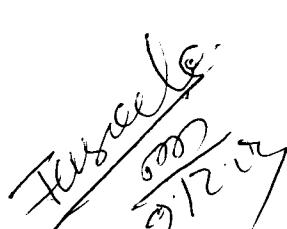
No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA" प्रृष्ठांकन सं. ओ/न्या..... जवलपुर, दि.....
(1) श्री विजय त्रिपाठी अधिकारी श्री विजय त्रिपाठी Adv.
(2) श्री श. ए. धर्माधिकारी श्री श. ए. धर्माधिकारी Adv.
(3) श्री राजेश शर्मा श्री राजेश शर्मा Adv.


श्री राजेश शर्मा 9-12-03


T. K. S. Ganesan
9-12-03