

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 162 of 1999

Jabalpur, this the 31st day of March 2003.

Hon'ble Mr. Shanker Raju - Member (Judicial)

Hon'ble Mr. R.K. Upadhyaya - Member (Admnv.)

R.R. Yadav, J.T.O.

aged about 44 yrs.

Office of General Manager,

Telephone, Distt-Raipur (MP)

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India
through the Secretary,
Ministry of Communication,
New -Delhi.

2. General Manager (GMTD)
Telephone,
Distt-Raipur.

3. The Divisional Engineer
Telephones,
Raipur.

4. The S.D.O.
Telephone, Raipur.

RESPONDENTS

(By Advocate- Shri P. Shankaran)

(ORDER) Oral

By R.K. Upadhyaya, Member (Admnv.) :-

This application is filed against order dated 02/04/1998 (Annexure A/5), by which the applicant has been placed under suspension.

2. It is stated by the applicant that he was initially ^{appointed} as a Technician in the Telecommunication Department on 07/11/1979. He was posted as a Junior Telecommunication Officer at Neora, District - Raipur on 28/05/1996 onwards. It is claimed that an order of suspension had been passed on a false and fabricated case without holding any enquiry, therefore against the principles of natural justice, in a false case as per order dated 05/12/1997. This order of suspension was revoked on 02/02/1998 (Annexure A/3). On

Chandra Shekhar

revocation of the suspension, the applicant was transferred and was posted under D.E.T. Rural, Raipur vide order dated 04/02/1998 (Annexure A/4). However the applicant has again ~~been~~ placed under suspension vide impugned order dated 02/04/1998 (Annexure A/5). The charges for suspension are the same on which the earlier suspension order was passed. Therefore it is claimed that the subsequent order of suspension is only by way of harrasment to the applicant and the order deserves to be set-aside. The applicant has also claimed that he is being asked to vacate the quarter in the mid of the session and reimbursement of Rs. 1,000/- and a sum of Rs. 3,555/- has been refused by the SDO, Raipur. It is therefore claimed that this Tribunal should intervene and allow all the reliefs due to the applicant.

3. Nobody was present on behalf of the applicant when the case was called out. Therefore this application is being disposed of under Rule 15(1) of CAT(Procedure) Rules, 1987 on the basis of material already available on record and after hearing the learned counsel of the respondents.

4. The respondents have pointed out that the applicant was trapped by Anti-Corruption Department on 20/11/1997 under Prevention of Corruption Act on the complaint of a Telephone Subscriber. The respondents have further stated that in view of change of his headquarters, the applicant was asked to vacate the departmental quarter allotted to him. It was also stated that since a criminal offence is under Trial, the applicant has been placed under suspension on 02/04/1998 by Deputy General Manager. Regarding claim of Rs. 1,000/- it has been stated by the respondents that the applicant ~~has~~ failed to receive the same. So far as the sanction of Rs. 3,535/- is concerned the same cannot be made without sanction of the competent authority and in any case learned counsel pointed

Consignment

out that these are separate and different causes of action and cannot be claimed in this Original Application in view of the provisions contained in Rule 10 of CAT (Procedure) Rules, 1987 which prohibits multiple reliefs.

5. There is no dispute that proceedings were contemplated/started against the applicant. Therefore he had been put under suspension which is as per provisions contained in CCS(CCA) Rules. Therefore there is no violation of any principles of natural justice or of any prescribed Rules or procedures. However the respondents should review the grant of subsistence allowance to the applicant in terms of Rule 10(5) of CCS(CCA) Rules if the same has not yet been reviewed. With this observation this Original Application is disposed of rejecting the claim of reinstatement of the applicant and quashing of suspension order without any order as to cost.

(Signature)

(R.K. UPADHYAYA)
MEMBER (A)

(Signature)

(SHANKER RAJU)
MEMBER (J)

"SA"

पृष्ठकन सं ओ/न्या.....जबलपुर, दि.....

पसिलिधि अग्रे विचार--

(1) सचिव, उच्च न्यायालय, जबलपुर

(2) अग्रे उच्च न्यायालय, जबलपुर

(3) प्रत्यक्षी श्री/श्रीमती

(4) कंठगत, संभवतः

सूचना एवं आवश्यक कार्रवाई.

(Signature)
उप-निर्देश

Adm. Chhatrapur
S. C. Gada
Shankaran

Issued
On 2.4.03
BS