

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 11th day of August, 2008

ORIGINAL APPLICATION NO.219/2007

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

R.D.Gupta,
S/o Late Shri Daya Ram Gupta,
R/o Shanti Nagar,
Ajmer.

... Applicant

(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India through
Secretary to the Govt.,
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi.
2. Central Board of Direct Taxes through its
Chairman,
North Block,
New Delhi.

... Respondents

(By Advocate : Shri Gaurav Jain)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying
for the following relief :

"(i) That the impugned suspension order F
No.13011/8/2004-V&L dated 14.5.2004 (Ann.A/1)
alongwith other orders continuing suspension
of the applicant (Ann.A/2 to A/7) with any
further order passed by the respondents be

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quashed and declared as honest so as not to stand in the way of future prospects of the applicant in the shape of promotion(s), deputations etc.

- (ii) That appropriate directions be given to the respondents to release the complete monetary benefits alongwith interest at the rate of 18% per annum from the date of suspension till revocation with effect from respective dates be calculated in the fashion of calculation of interest in a GPF account. Alternatively, the emoluments of the applicant be ordered to be deposited in his GPF account on respective due dates where the interest be ordered to be calculated from respective due dates.
- (iii) That appropriate directions be given to the respondents to treat the Annual Confidential Reports of the suspension period as outstanding, or in any case, very good.
- (iv) That costs be imposed on respondents for proceeding without any application of mind to the facts as were existing on their own record."

2. Notice of this application was given to the respondents, who have filed their reply. In the reply, the respondents have stated that suspension of the applicant has been revoked. As such, the present OA has become infructuous.

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

4. Learned counsel for the applicant submitted that the applicant was placed under suspension vide order dated 14.5.2004 (Ann.A/1), which order has been periodically reviewed by the competent authority. According to learned counsel for the applicant, the applicant was placed under suspension because the disciplinary proceedings had to be contemplated against him, whereas no such disciplinary proceedings have been initiated against the applicant. From the material available on record, it is evident that while reviewing the suspension order, the respondents have specifically stated that suspension of the applicant would continue as investigation in a criminal case is pending against him. Thus, from the

material placed on record (Ann.A/1), it is evident that the applicant was placed under suspension because a criminal case was under investigation although in some orders while extending the suspension orders reference has been made to the fact that disciplinary proceedings are pending and in subsequent orders regarding criminal case is under investigation. Be that as it may, since the order of suspension has been revoked, as such, main grievance of the applicant has been redressed.

5. As regard the period during which the applicant remained under suspension, we are of the view that no positive direction can be given at this stage how this period is to be treated. Suffice it to say that order in this regard can lawfully be passed by the competent authority after conclusion of criminal case.

6. With these observations, the OA stands disposed of at this stage with no order as to costs.


(B.L. LIKHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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