

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 16th day of March, 2011

ORIGINAL APPLICATION NO. 477/2010

With

MISC. APPLICATION NO. 05/2011

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Fateh Singh son of Shri Dhanphool, aged about 39 years, resident of Quarter No. RTTC/V/02, RTTC Colony (BSNL), Road No. 14, VKI Area, Jaipur and presently holding the post of Deputy General Manager (Telecom Project), Bharat Sanchar Nigam Limited (BSNL), M.I. Road, Jaipur.

.....Applicant

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through its Secretary to the Government of India, Department of Telecommunications, Ministry of Communications and Information Technology, Sanchar Bhawan, 20 Ashoka Road, New Delhi.
2. Assistant Director General (Vig-I), Department of Telecommunications, Ministry of Communication and Information Technology, 1112, Sanchar Bhawan, 20 Ashoka Road, New Delhi.
3. Chief General Manager, Bharat Sanchar Nigam Limited, Northern Telecom Project, Eastern Court Complex, 5th Floor, Kidwai Bhawan, New Delhi.

.....Respondents

(By Advocate: Mr. Mukesh Agarwal)

ORDER (ORAL)

The short controversy involved in this OA is that the respondents vide order dated 13.08.2010 (Annexure A/1) in exercise of power conferred by Rule 2(a) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 placed the applicant,

Shri Fateh Singh, under suspension with effect from 17.07.2010 i.e. from the date of his detention. It was also ordered that during the period the suspension order shall remain in force, the headquarter of Shri Fateh Singh be at Ahmedabad under CGMT, BSNL, Gujarat Circle and the applicant shall not leave the headquarter without obtaining the prior permission of CGMT BSNL, Gujarat Circle.

2. The applicant challenged this order dated 13.08.2010 (Annexure A/1) on the ground that change of the headquarter during the suspension instead of place of posting is against the facts & circumstances and also against the provisions of CCS (CCA) Rules, 1965 and also due to family circumstances and prayed for quashing and setting aside the order dated 13.08.2010 (Annexure A/1) to the extent of fixing the headquarter at Ahmedabad instead of place of posting i.e. Jaipur and seeks directions to direct the respondents to change the orders in respect of headquarter at Jaipur instead of Ahmedabad.

3. This Tribunal vide order dated 15.02.2011 directed the respondents to produce the relevant record which prevail them to pass the impugned order. Learned counsel for the respondents placed the same for perusal.

4. We have carefully perused the record. From the bare perusal of the record, it reveals that Superintendent of Police, Central Bureau of Investigation, Jaipur, addressed a letter dated 20.07.2010 to the Chief General Manager (Telecom Project), BSNL, NRT, New Delhi wherein it



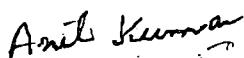
was mentioned that the case has been registered by CBI, Jaipur on 17.07.2010 against the applicant, Shri Fateh Singh Meena, Deputy General Manager, Telecom Project, BSNL, Jaipur and Shri Radhey Shyam Midna (Contractor) under Section 120-B of IPC read with Section 7 of the PC Act, 1988 and during the course of investigation, a trap was laid and Shri Fateh Singh Meena, Deputy General manager, Telecom Project, BSNL, Jaipur was put under arrest on 17.07.2010. He was produced before the Hon'ble Special Judge, CBI Cases on 18.07.2010 and the Hon'ble court had remanded him in Police custody till 23.07.2010. He was under arrest for more than 48 hours. It was also mentioned in the said letter that as Shri Fateh Singh Meena is presently posted as Deputy General Manager, Telecom Project, BSNL, Jaipur, there is every likely hood that he may tamper with the evidence and try to win over the witnesses. Hence it is requested that the said Shri Fateh Singh Meena, Deputy General manager, Telecom Project, BSNL, Jaipur may be posted outside the State of Rajasthan and be put under suspension.

5. On the request of the CBI, the matter was processed by the respondents' department and having considered the facts & circumstances of the case that there is every likelihood that the applicant may tamper with the evidence and may try to win over the witnesses, therefore vide order dated 13.08.2010 during the period of suspension, the headquarter of the applicant was changed to Ahmedabad under CGMT, BSNL, Gujrat Circle.

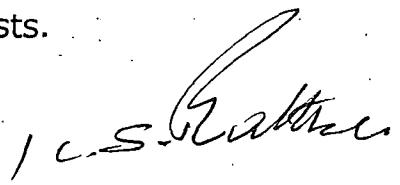


6. We have heard the rival submission made by the learned counsel for the parties and also perused the material placed on record. We find no illegality in the impugned order dated 13.08.2010 (Annexure A/1) whereby the headquarter of the applicant was changed to Ahmedabad under CGMT, BSNL Gujarat Circle and the same requires no interference by this Tribunal. Accordingly, the OA is dismissed with no order as to costs.

7. In view of the order passed in the OA, no order is required to be passed in MA No. 05/2011 filed by the applicant for interim direction, which is also dismissed with no order as to costs.



(ANIL KUMAR)
MEMBER (A)



(JUSTICE K.S. RATHORE)
MEMBER (J)

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