

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.3862/2013

Order Reserved on: 16.12.2016
Order pronounced on 23.12.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri Uday Kumar Varma, Member (A)

MS. Kiran
W/o Ashok Khanna
R/o 106/112, Rajouri Extn,
New Delhi – 110027. ... Applicant

(By Advocate: Sh. N.L.Bareja)

Versus

1. Union of India
Through the Secretary
Ministry of Health & Family Welfare
Department of Ayush
Ayush Bhawan
INA, New Delhi.

2. President
Central Council of Indian Medicine
61-65, Institutional Area
Janakpuri
New Delhi – 110 058.

3. CENTRAL COUNCIL OF INDIAN MEDICINE
Through Secretary

61-65, Institutional Area
Janakpuri, New Delhi – 110058. .. Respondents

(By Advocate: None)

O R D E R

By V. Ajay Kumar, Member (J):

The applicant, an Office Superintendent in the 3rd Respondent-Central Council of Indian Medicine (in short, CCIM), filed the OA questioning the Annexure A1-Office Order dated 22.10.2013, whereunder, she was placed under suspension, pending enquiry proceedings.

2. Heard the learned counsel for the applicant and perused the counter filed by the respondents, as there was no representation on their behalf in spite of repeated adjournments for the purpose of their counsel's presence.

3. Brief facts of the case, as gathered from the pleadings, relevant to the controversy involved in the present OA, are that the applicant was placed under suspension on 17.04.2013 (Annexure A4) under Rule 10(1) of CCS (CCA) Rules, 1965 by stating that a criminal complaint has been made with the police for investigation and a disciplinary proceeding is contemplated against the applicant. The said suspension was extended for another period of 180 days vide Annexure A5 dated 11.07.2013. Vide Annexure A7, dated 26.08.2013, the suspension of

the applicant was revoked and the applicant was reinstated into service. However, all of a sudden, the respondents placed the applicant under suspension, once again, vide the impugned Annexure A1-Office Order dated 22.10.2013.

4. This Tribunal, on 31.10.2013 while issuing notices in the OA, stayed the said impugned order dated 22.10.2013.

5. The learned counsel for the applicant, mainly contended that the impugned suspension order is liable to be quashed on the sole ground that though the same was issued on 22.10.2013, purported to be pending inquiry proceedings, but till date no chargesheet was issued by the respondents and that no challan was filed in any criminal case against the applicant.

6. The said submission of the learned counsel for the applicant falls to the ground by virtue of his own document, i.e., Annexure A13 dated 11.11.2013, which is a Chargesheet issued to the applicant alleging serious charges against her.

7. In the circumstances, the OA is dismissed as being devoid of any merit. However, this order shall not preclude the applicant from making any representation for revocation of her suspension and the

respondents from considering the same, if the circumstances warrant, in accordance with law. No costs.

(Uday Kumar Varma)
Member (A)

(V. Ajay Kumar)
Member (J)

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