

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD.**

**OA No.540/2018**

**This the 18<sup>th</sup> day of December, 2018**

**Coram : Hon'ble Ms. Archana Nigam, Administrative Member  
Hon'ble Shri M.C.Verma, Judicial Member**

A.N.Vankar  
Son of Narsinhbhai Vankar  
Aged 59 years  
Working as Field Work Assistant  
Residing at C/o. Dahyabhai Parmar  
Chatvihar Assistant  
AT & Post : Rajpipla,  
District : Narmada 393 145. .... Applicants

(By Advocate : Shri Joy Mathew )

**VERSUS**

1. Union of India  
Notice through the Secretary  
Ministry of Water Resources, River Development and  
Ganga Rejuvenation,  
627, Shram Shakti Bhavan,  
Rafiq Marg, New Delhi 110 001.
  
2. Dr. Umesh Prasad Gupta  
Executive Engineer  
Tapi Division

Central Water Commission  
Opp. Kshetrapal Health Centre, Sagrampura  
Surat 395 002.

3. The Sub Divisional Engineer  
Lower Narmada Sub-Division, Bharuch.  
Central Water Commission,  
Near Pritam Housing Society,  
Bharuch 392 001.
4. The Junior Engineer  
Central Water Commission  
Garudeshwar CWC,  
Behind Bus Stand, Garudeshwar-Dutta Road,  
Garudeshwar,  
District : Narmada 391 120. .... Respondents

**O R D E R – ORAL**

**Per : Hon'ble Shri M.C.Verma, Member (J)**

Heard. It is a fresh matter and is at the stage of notice.

Instant OA has been preferred, challenging the Order dated 30.10.2018 issued by the respondents No.2 whereby and whereon the applicant has been placed under suspension.

Learned counsel while pressing for issuance of notice urged that

Order of suspension suffers from malafide and explained that applicant has preferred OA for his regularisation and that notice upon said OA has been issued by the Tribunal. He also added that on 08.08.2018 work of installing of Tela meter was being done at Karjan river, near Rajpipla, and applicant and some of his superior officials were also present in their official duty. That son of applicant who was working with the contractor was carrying out the work of installing of said Tela meter and while fixing said Tela meter applicant's son sustained injury on his head, that severe bleeding started and applicant insisted contractor as well as respondent No.4 to take his son to nearby hospital but entire team, including respondent No.4, were under drunk condition and they did not concede the request of the applicant and rather abused applicant and his son by using derogatory caste name. That subsequently apprehending action on the part of the applicant and to save their skin, respondent

No.2 came to his office and threatened that in case he would lodge complaint, he shall be suspended. That on 29.9.2018, notice was issued to the applicant for alleged misbehaviour with his superior, applicant gave reply to said notice and applicant was suspended thereafter.

2. Considered the submissions and perused the record. Attention of learned counsel was drawn to variance in pleadings of the OA and of Annexure A-7, the reply of show cause notice given by the applicant. We find that manner as has been stated Anneuxre A-7 in which reply to show cause notice by the applicant is totally different as mentioned in the pleadings. Suspension in itself is not a punishment and unless malafidy or illwill is not illustrated no interference is warranted. No such malafidy as has been submitted, *prima facie*, appear to be there. Moreover, it is obvious that some incident had happened and

show cause notice was given to the applicant. OA is devoid of merit and therefore, is dismissed.

**(M.C.Verma)**  
**Member (J)**

**(Archana Nigam)**  
**Member (A)**

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