

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA No.44/2019 in & O.A.No.1580/2018

Dated Friday, the 15th day of February, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

V. Balasubramanian

No. 60, Palanisamy Nagar

Villianur, Puducherry – 605 110.

... Applicant

By Advocate M/s V. Balasubramani

Vs

1. The Secretary to the Lt. Governor

Government of Puducherry

Pondicherry.

2. The Deputy Director of Education (Women)

Education Department

Government of Puducherry.

3. Deputy Director (Admin)

Directorate of School Education

Government of Puducherry.

4. Director of School Education

Government of Puducherry

Perunthalaivar Kamarajar Centenary

Educational Complex

Anna Nagar, Puducherry.

... Respondents

By Advocate Ms. S. Devie

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records related to the impugned order issued by the 1st respondent vide No. 01117/DSE/ESTT.III/C/2018(B) dated 17.05.2018 and order of extension vide No. 01117/DSE/ESTT.III/C/2018 dated 13.08.2018 and to quash the same and to further reinstate the applicant and to pass such other order/orders.”

2. The applicant is aggrieved by the order of suspension issued against him dated 17.05.2018 as he was alleged to have been involved in a criminal offence which was under investigation. The period of suspension was extended thereafter by an order dated 13.08.2018 for a period of 180 days w.e.f 14.08.2018.

3. Learned counsel for the applicant would submit that the applicant had been wrongly included as an accused in the criminal case although he had nothing to do with the offence per se. The charge against him was that he had not reported the matter to the competent authority which was not serious enough for the applicant to be placed under continued suspension indefinitely. On the day the suspension review committee met on 06.08.2018 to review the order of suspension, the investigation had already been completed.

4. It is alleged that the complete records and facts of this case had not been furnished to the suspension review committee for its consideration

to decide whether to extend the suspension or reinstate the applicant pending trial. The applicant made a representation dated 11.10.2018 to the Lt. Governor for revocation of suspension and for his reinstatement into service considering that he was due to retire on 28.02.2019. Aggrieved by the non response of the respondents, he has filed this OA seeking the aforesaid relief.

5. Learned counsel for the respondents would, however, submit that the applicant is now an accused in the criminal case and, therefore, it was irrelevant whether on the day of the decision of the suspension review committee to extend the suspension, the investigation was complete or not. As the criminal case is pending, it has not been considered desirable to reinstate the applicant. The applicant could plead his innocence before the competent magistrate and it is not for this Tribunal to go into the merits of the charge sheet filed against the applicant in the said case, it is contended.

6. We have considered the matter in terms of Rule 10(1) (b) of CCS (CCA) Rules, 1965 whereby the appointing authority or the disciplinary authority or any authority empowered in that behalf by the President, by a general or a special order, may place a Government servant under suspension where a case against him in respect of any criminal offence is under investigation, enquiry or trial. In terms of Rule 10(7) of the said rules an order of suspension made or deemed to have been made under sub rule (1) shall not be valid after a period of 90 days unless it is

extended after a review for a further period before the expiry of 90 days. Since it is not in dispute that the criminal case is still pending and the applicant is an accused therein, we are of the view that this is not a fit case for us to interfere at this stage.

7. OA is misconceived and is accordingly dismissed. Consequently MA 44/2019 filed for interim direction stands dismissed.

(P.MADHAVAN)
MEMBERJ)

15.02.2019

(R.RAMANUJAM)
MEMBER (A)

M.T.