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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.391/2003

Thursday, this the 8th day of May, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri Govindan S. Tampi, Member (A)

V.D.Kukreja s/o Shri Lurinda Ram
r/o B-4/9, Sector-11, Rohini, Delhi

..Applicant

(By Advocate: Shri D.R.Gupta)

Versus

Union of India through

1. Secretary, Ministry of Finance
Dept. of Revenue,
Central Board of Direct Taxes
North Block, New Delhi

2. Commissioner of Income Tax No.X,
C.R.Building, I.P.Estate,
New Delhi.

..Respondents

(By Advocate: Shri V.P.Uppal)

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

The applicant (Shri V.D.Kukreja) has been suspended under sub-rule (2) of Rule 10 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965. The applicant's contention that it was a deemed suspension in pursuance of his arrest for more than forty eight hours. He relied upon a decision of Delhi High Court in the case of Rajiv Kumar vs. Union of India rendered in CWP-4746/2001 decided on 31.5.2002.

2. Keeping in view the said decision of the Delhi High Court, notice was issued to the respondents.

3. Today, our attention has been drawn towards the order dated 3.3.2003 passed by the Supreme Court in CC No.1181/2003 which is coming up with SLP (C) No.3576/2003.

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The Union of India has challenged the order passed by the Delhi High court in the case of Rajiv Kumar (supra). The Apex Court has directed that the decision be kept in abeyance in case no fresh order has been passed.

4. In the face of the said order having been passed by the Supreme Court, we dispose of the present application with the remarks that after the decision of the Apex Court, if the applicant so feels, he may file a fresh application challenging the said order.

(Govindan S. Tampi)

Member (A)



(V.S. Aggarwal)
Chairman

/sunil/