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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.681/2003

Wednesday, this the 26th day of March, 2003

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Mr. Govindan S. Tampi, Member (A)

Sunil Kumar Chaudhary
s/o Shri Sona Ram Chaudhary
r/o D-122, Mahendru Enclave
Opposite Model Town-III
Delhi-33

..Applicant

(By Advocate: Shri S.K.Gupta)

Versus

1. Govt. of NCT of Delhi
through Chief Secretary
Delhi Secretariat
IG Stadium, IP Estate
New Delhi-2
2. The Principal Secretary (Home)
Govt. of NCT of Delhi
Delhi Secretariat
IG Stadium, IP Estate
New Delhi-2
3. Chief Fire Officer
Delhi Fire Service
Fire Headquarters
Connaught Circus, New Delhi

..Respondents

O R D E R (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, VC (J):-

Heard Shri S.K.Gupta, learned counsel for applicant. The grievance of the applicant is that the respondents have not considered his case for revocation of suspension order which was passed on 23.7.2001 (Annexure A-1), while they have already passed an order in the case of Shri Shashipal Tyagi, FM-898 vide order dated 27.12.2002 (Annexure A-11).

2. From the order of the learned Special Judge, Tis Hazari, Delhi in CC No.16/2002 dated 18.11.2002 (Annexure A-2), it is noted that the applicant as well as Shri

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Shashipal Tyagi were prosecuted by the CBI on certain charges but they have been acquitted by this order. In the order issued by the respondents dated 27.12.2002, the respondents have taken note of the order of the learned Special Judge, Delhi dated 18.11.2002 and have ordered that the suspension of Shri Shashipal Tyagi be revoked. In that order, they have also stated that the suspension period of Shri Shashipal Tyagi w.e.f. 12.7.2001 till the date of revocation is to be treated as a period spent on duty.

3. Learned counsel for applicant has submitted that the applicant has made a number of representations to the respondents bringing ^{to their} them the aforesaid facts, including the order of the learned Special Judge, Delhi dated 18.11.2002, for being treated similarly as they have done in the case of Shri Shashipal Tyagi. It is relevant to note that the order passed by the respondents in respect of Shri Shashipal Tyagi has been done in about a month after the order of the learned Special Judge, Delhi, i.e. on 27.12.2002. Why the respondents have not considered the case of the applicant, who had also been dealt with in the aforesaid order of the learned Special Judge, Delhi is, therefore, unjustified and unreasonable. Apparently, non-action of the respondents has forced the applicant to file the present application in which one of the main prayers is that the order of suspension passed by the respondents dated 23.7.2001 should be quashed and set aside, taking into account the aforesaid order of the learned Special Judge, Delhi dated 18.11.2002 or alternatively, to direct the respondents to consider his

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case on similar lines as his co-accused Shri Shashipal Tyagi.

3. In the facts and circumstances of the case, as the respondents themselves ought to have passed appropriate orders in the case of the applicant also, as they appear to have done in the case of Shri Shashipal Tyagi, FM-898 vide order dated 27.12.2002, we consider it appropriate to dispose of the OA in the following terms:-

In case, no order has been passed with regard to the suspension order passed by the respondents against the applicant till date, they shall do so within two weeks from the date of receipt of a copy of this order with intimation to the applicant. In case such an order has already been passed, the same shall also be sent to the applicant within the same period.

(Govindan S. Tampi)
Member (A)

/surn/

(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)