

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A. NO.2493/2003

This the 4th day of October, 2004.

**HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)**

Madan Singh Rana S/O Alam Singh,
R/O A-50/3, Ganesh Nagar,
Tilak Nagar, New Delhi.

... Applicant

(None present)

-versus-

1. Union of India through
Secretary, Ministry of Labour,
Shram Shakti Bhawan, Rafi Marg,
New Delhi.
2. Director General of Employment
and Training, Shram Shakti Bhawan,
Rafi Marg, New Delhi.
3. Director,
Central Institute for Research & Training
in Employment Services, Pusa,
New Delhi-110012. ... Respondents

(By Shri K. R. Sachdeva, Advocate)

O R D E R (ORAL)

Hon'ble Shri V. K. Majotra, Vice-Chairman (A) :

None has come present on behalf of the applicant. As such,
we have proceeded to adjudicate in the matter in terms of Rule 15 of
the Central Administrative Tribunal (Procedure) Rules, 1987 by

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taking into consideration the pleadings, material on record and hearing the learned counsel of the respondents.

2. By virtue of the present application, applicant has challenged Annexure-I dated 25.8.2003 whereby respondents have not treated the period of his suspension from 2.7.1982 to 27.2.1987 as the one spent on duty under FR 54-B. Applicant had earlier on approached this Court through OA No.1140/2003 which was disposed of vide order dated 7.5.2003 directing the respondents to consider his representations dated 6.9.2001 and 1.3.2003 by passing a speaking order within a period of four months. Vide the impugned order dated 25.8.2003, applicant's aforesaid representations have been disposed of stating that he would continue to be under suspension till termination of all criminal cases against him in terms of sub-rule (5) (b) of Rule 10 of the CCS I(CCA) rules, 1965. b

3. It has been stated on behalf of the applicant that while Shri Hoshiar Singh, co-accused in the FIR, has been paid full wages for the period of his suspension after having been treated as on duty, applicant has been meted out invidious discrimination, as the period of his suspension has not been treated as on duty.

4. The learned counsel of the respondents pointed out that Shri Hoshiar Singh was jointly involved with the applicant in FIR 512/81, FIR 232/89 and FIR 343/81. In these cases the aforesaid

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Hoshiar Singh and the applicant were acquitted later on. However, applicant was involved in another criminal case, i.e., FIR No.288/99 decision in which is still awaited. In view of applicant's continuous involvement in criminal cases, the competent authority has placed the applicant again under suspension clearly stating that applicant shall remain under suspension until termination of all or any one of such proceedings. Applicant has not denied continuance of criminal proceedings against him in respect of FIR 288/99. The learned counsel of respondents has relied on order dated 13.3.2002 in OA No.255/2001: **Madan Singh Rana v. Union of India & Ors.**, which relates to the present applicant himself and the OA was dismissed with the following observations :

“6. We have noted that the applicant has remained involved in criminal cases right from 1982 onward. As many as six cases have been registered against him, all relating to serious offences under the IPC. The fact that he has been acquitted in four of them cannot be cited as a ground for showing consideration to the applicant to which he is not entitled strictly in accordance with Rule 10 of CCS (CCA) Rules. He still stands charged with serious offences, two of which are still pending. In the circumstances, keeping him under suspension despite a period of more than 12 years which has elapsed since he was placed under suspension for the second time in 1989 is, in our judgement, the correct option rightly exercised by the respondents. There is, therefore, nothing wrong with the order of suspension passed either in December, 1989 or with the order lately issued on 5.6.2000 (R-5). We are not inclined to interfere with the aforesaid order.

7. In the light of the foregoing, the OA is dismissed without any order as to costs.”

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5. We have considered the rival pleadings/contentions. In view of the fact that criminal proceedings against applicant in respect of FIR 288/99 are still continuing, the ratio in his case in OA No.255/2001 is squarely applicable to the facts of the present case. As the criminal proceedings against applicant in respect of FIR 288/99 are still continuing, in our considered opinion, respondents have rightly exercised the option and continued with applicant's suspension under FR 54-B. As a result, we are not inclined to interfere with the impugned orders.

6. OA is dismissed being devoid of merit.

S. Raju
(Shanker Raju)

Member (J)

V. K. Majotra
4.10.04
(V. K. Majotra)
Vice-Chairman (A)

/as/