

(2020) 10 CAT CK 0138

In the Central Administrative Tribunal

Case No : Original Application No. 1657 Of 2020, Miscellaneous Application No. 2098 Of 2020

Syed Sajid Ali

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 27-10-2020

Acts Referred:

Citation : (2020) 10 CAT CK 0138

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Hanu Bhaskar

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant was working as Superintendent of Police in CBI. He was placed under suspension vide an order dated 15.02.2011. Earlier to that, on

06.07.2011, an inquiry was conducted against the applicant on a complaint submitted by a woman employee alleging acts of sexual harassment and

departmental proceedings were contemplated. The applicant was reinstated into service 14.05.2012. This OA is filed challenging the order of

suspension dated 18.11.2011 and with a prayer to declare the inquiry report dated 06.07.2011 as null and void. He has also prayed for a direction to

regularise the suspension period from 23.11.2011 to 13.08.2012. Various other reliefs are also claimed.

2. We heard the applicant, who argued the case in person and Shri Hanu Bhaskar, learned counsel for the respondents at length, through video

conferencing.

3. The applicant faced various proceedings while in service. On a complaint submitted by a woman employee, an inquiry was conducted and in the report dated 06.07.2011, initiation of disciplinary proceedings against him was recommended. Thereafter, he was placed under suspension on 18.11.2011 and was reinstated in to service on 14.05.2012.
4. The first prayer in the OA is to direct the respondents to complete the proceedings in pursuance of the report of the preliminary inquiry dated 06.07.2011. The applicant was dismissed from service on 31.10.2014 on account of his conviction in a criminal case. Obviously for that reasons, no departmental inquiry was initiated in pursuance of the report dated 06.07.2011. When the applicant is out of service, the question of any inquiry being contemplated at this stage, does not arise.
5. So far as the period of suspension is concerned, much would depend upon the relevant rules. In case the suspension was in relation to a criminal case, nothing needs to be done. On the other hand, if it is in relation to some other case, the matter needs to be examined.
6. We do not find any merit in the OA. The same is accordingly dismissed, but leaving it open to the applicant to make a representation as regards the manner in which, the period of suspension between 23.11.2011 to 13.08.2012 is to be treated. There shall be no order as to costs.