

(2005) 10 MAD CK 0070

In the Madras High Court

Case No : W.P.No. 33147 of 2005 and W.P.M.P.No. 36114 of 2005

Union of India (UOI) and The Senior Administration Officer,
Liquid Propulsion Systems Center ISRO

APPELLANT

Vs

B. Annadurai and The Registrar, Central Administrative
Tribunal, Madras Bench

RESPONDENT

Date of Decision : 19-10-2005

Acts Referred:

Central Civil Services (Classification, Control and Appeal) Rules, 1965 — Rule 10(2),
29(3)

Citation : (2005) 10 MAD CK 0070

Hon'ble Judges : S.K. Krishnan, J;P. Sathasivam, J

Bench : Division Bench

Advocate : B. Shanthakumar, for the Appellant;

Final Decision : Dismissed

Judgement

P. Sathasivam, J.—Aggrieved by the order of the Central Administrative Tribunal, dated 25.08.2005 made in O.A.No.646 of 2005, Union of India, represented by the Director, Liquid Propulsion Systems Center ISRO, Valiamala, Thiruvananthapuram and the Senior Administration Officer, Liquid Propulsion Systems Center ISRO, Valiamala, Thiruvananthapuram, have filed the above writ petition.

2. Heard the learned Senior Central Government Standing Counsel for the petitioners.

3. The 1st respondent herein was arrested on 26.04.2005 at 11.15 AM and was produced before the Magistrate at 15.30 hrs on the same day, who remanded him to the Judicial custody and he was released on bail at 14.15 hrs on 28.04.2005. The Department by order dated 28.04.2005, invoking Rule 10 (2) (a) of Central Civil Services (Classification and Appeal Rules) 1965 (in short "CCS (CCA) Rules"), placed the applicant under deemed suspension. By order dated 22.07.2005, the suspension was extended by six months. The initial order of

suspension and the subsequent extension order was challenged by the applicant before the Central Administrative Tribunal in O.A.No.646 of 2005. The Tribunal, on consideration of materials, particularly the decision taken by the Review Committee for extension of suspension beyond six months and after finding that, there is no specific conclusion by the committee as to how the rejoining of the official will affect the function of the office, set aside the order of the Department dated 22.07.2005, in so far as the continuation of the deemed suspension and directed the Department to allow the applicant to rejoin duty.

4. The learned senior Central Government standing counsel appearing for the petitioners would submit that in the light of the relevant Amended CCS (CCA) Rules, viz., Rule 29 (3), mere recommendation of the Review Committee is sufficient for continuing the suspension order beyond 180 days.

5. We perused the relevant Rule and also the recommendations of the Review Committee. The recommendation of the Review Committee is as follows:

"It has been reported that the Police authorities have filed the Criminal charge sheet in the court and the trial is yet to commence. Also he is accused of serious crime. Committee therefore recommends that the deemed suspension will continue for another 180 days and will be reviewed again before the expiry of the extended period. He will continue to draw the subsistence allowance at the same rate as is being drawn from the date of deemed suspension".

6. As rightly observed by the Tribunal, though the Review Committee noted the criminal charge leveled against the applicant, recommended that the deemed suspension will continue for another 180 days, there is no specific decision/conclusion as to how the rejoining of the applicant will affect the normal work or functioning of the office. The said aspect is relevant, more particularly, it is not the case of the Department that the offence alleged relates to his official work or connected with official duty. It is also not in dispute that the applicant was kept in suspension for a period of six months. Now the question is, whether the period has to be extended for further six months?

7. In such circumstances, as rightly observed by the Tribunal, we are of the view that, it is but proper for the Committee to go in to the relevant aspect, namely, whether rejoining will be a hindrance to his official work. In the absence of such specific decision by the Committee, we are of the view that continuation of the deemed suspension cannot be warranted. All these aspects have been correctly considered by the Tribunal and we are in agreement with the said conclusion. Accordingly, there is no valid ground for interference. Consequently, the writ petition fails and the same is dismissed. Connected WPMP is also dismissed.