

(2018) 01 CAT CK 0055

In the Central Administrative Tribunal

Case No : Original Application No. 4439 Of 2017

Mahender Singh

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 15-01-2018

Acts Referred:

Central Civil Services (Classification, Control And Appeal) Rules, 1965 — Rule 10(1)

Citation : (2018) 01 CAT CK 0055

Hon'ble Judges : Permod Kohli, J;K.N Shrivastava, Member (A)

Bench : Division Bench

Advocate : R. V. Sinha, Geetanjali Sharma

Final Decision : Allowed

Judgement

Permod Kohli, J

1. The applicant while working as Assistant Section Officer in the office of Director (Training), Department of Personnel and Training (Training Division), Old JNU Campus, New Delhi was placed under suspension vide order dated 06.09.2017 in contemplation of disciplinary proceedings under sub-rule (1) of Rule 10 of Central Civil Services (Classification, Control and Appeal) Rules, 1965 without specifying any period of suspension. His suspension was extended vide order passed in December, 2017 (Annexure A-1, without mentioning the date) for a further period of 60 days w.e.f. 05.12.2017 to 04.02.2018 on the recommendations of the Review Committee. The main ground seeking to challenge the extension of suspension order is that no charge sheet has been issued to the applicant within 90 days from the date of passing of the impugned order.

2. Vide order dated 19.12.2017, while issuing notice respondents were directed to seek instructions and file their reply as to whether any charge sheet has been served upon the applicant.

3. Ms. Geetanjali Sharma, learned counsel appeared on behalf of the

respondents and reported that no charge sheet has been served upon the applicant till date.

4. The controversy is no more res integra having been settled by the Hon'ble Apex Court in the case of Ajay Kumar Choudhary v. Union of India through its Secretary & Anr., [AIR 2015 SC 2389]. The said judgment of the Hon'ble Apex Court has been implemented vide Office Memorandum dated 23.08.2016.

5. This OA is accordingly allowed. The impugned order for extension of suspension of the applicant (Annexure A-1) is hereby set aside. The applicant shall be treated to be in service after expiry of 90 days. Insofar as the initial period of 90 days is concerned, the respondents will take decision in accordance with law under Fundamental Rule 54-B. The applicant will be entitled to the salary after the expiry of 90 days of initial suspension. The respondents are directed to implement the above directions within a period of two months from the date of receipt of a certified copy of this order. No costs.