

(2020) 11 CAT CK 0047

In the Central Administrative Tribunal

Case No : Original Application No. 842 Of 2020, Miscellaneous Application No. 1121 Of 2020

Prashant Kumar Sinha

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 11-11-2020

Acts Referred:

Prevention Of Corruption Act, 1988 — Section 13(1)(e), 13(2)

Citation : (2020) 11 CAT CK 0047

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

Bench : Division Bench

Advocate : Praveen Chandra, Hanu Bhaskar

Final Decision : Partly Allowed

Judgement

L. Narasimha Reddy, J

1. The applicant is working as Additional Director General, Directorate General of Systems and Data Management, New Delhi. Earlier to that, he

functioned as Chief Vigilance Officer of Bharat Coking Coal Limited (BCCL). It is stated that the CBI, Dhanbad registered a case against the

applicant on 17.04.2018 under Section 13(2) read with 13(1)(e) of Prevention of Corruption Act. In view of that, the applicant was placed under

suspension on 23.05.2019, and it is being extended thereafter from time to time.

2. This OA is filed challenging the order of suspension, as extended periodically, and for a direction to the respondents to reinstate the applicant into

service. A prayer is also made for regularisation of the period during which, he was suspended.

3. The applicant contends that the case was registered against him by alleging possession of assets, disproportionate to his known legal source of

income, and it should not have taken so much time for the CBI to complete the investigation. He contends that the suspension is being continued for a long period, detrimental to his career prospects. Other contentions are also urged.

4. On behalf of respondents, a detailed counter affidavit is filed. It is stated that the suspension of the applicant was warranted on account of an FIR, registered against him by the CBI. It is also stated that the investigation is at an advanced stage, and explanation would be sought to be reviewed, as soon as the charge sheet is filed in the criminal case. It is also stated that on 28.10.2020, the suspension of the applicant is extended by another six months.

5. We heard Shri Praveen Chandra, learned counsel for the applicant and Shri Hanu Bhaskar, learned counsel for the respondents.

6. The basis for the suspension of the applicant is the registration of an FIR, by the CBI. For a period of more than one year subsequent to filing of the

FIR, the department did not feel the necessity of suspending the applicant. In other words, while this registration of FIR was on 17.04.2018, the

applicant was placed under suspension on 23.05.2019. Assuming that the respondents placed him under suspension, on the apprehension that he may

meddle with the investigation, nearly one and half years have elapsed since then. In all, more than two and half years have elapsed ever since the case

was registered. By any standard, this time should be more than sufficient for completion of investigation. That, however, is a matter within the purview

of the concerned court.

7. In the context of extending the suspension, the concerned authorities are required to take into consideration the acts and omissions of the employee,

which are likely to hamper the functioning of the administration. In this case, the investigation is said to be at the final stage and the suspension was

extended for six months vide order dated 28.10.2020. In view of that, we are of the view that the suspension shall not remain beyond the said

extension.

8. We, therefore, partly allow the O.A. directing that the suspension of the applicant shall not remain beyond 31.01.2021 and any steps to be taken in

the context of filing of the charge sheet can be concluded by the concerned authority within that period. If any steps still remain, the reinstatement of

the applicant shall not come in the way and, on his part, the applicant shall extend cooperation. The manner, in which the period of suspension shall be treated, would depend upon the outcome of the criminal case.

9. Pending MA shall also stand disposed of. There shall be no order as to costs.