
(2021) 09 CAT CK 0019

In the Central Administrative Tribunal

Case No : Original Application No. 2023 Of 2021

Rohit Sonkar

APPELLANT

Vs

India Trade Promotion Organization & Others

RESPONDENT

Date of Decision : 17-09-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 173

Citation : (2021) 09 CAT CK 0019

Hon'ble Judges : Manjula Das, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Final Decision : Disposed Of

Judgement

Manjula Das, J

(Through Video Conferencing)

1. The applicant joined the respondent-department as Deputy Manager in January 2015. Subsequently, he was promoted as Manager on 8.05.2019. It is stated that based on a complaint, the applicant and one Shri Akshay Singh, who was working as Deputy Manager, were arrested by the CBI. Since his custody exceeded 48 hours, he was placed under suspension on 25.02.2020. The Special Judge, CBI granted him bail on 27.02.2020. After release, when the applicant reported to office, he was not allowed to join. He made a representation for revocation of suspension on 12.08.2020. The applicant was issued a charge memo on 17.11.2020, containing four articles of charge. He replied to the same, denying all the charges. He made a representation on 12.12.2020, for revocation of suspension as well as payment of subsistence allowance. Till December 2020, he was not paid any subsistence allowance. However, on a further representation made by the applicant on 26.12.2020, a lump sum amount of Rs. 2,00,000/- (Rupees two lakhs only) was credited to his account. The CBI, in its final report, remarked that there was no evidence against the applicant. On 15.02.2021, the respondents extended the suspension of the applicant by six months, keeping

the subsistence allowance at 50%. A Review Committee, which met on 12.08.2021, recommended for continuation of suspension of the applicant from 16.08.2021 for a further period of 180 days. The applicant herein has challenged his suspension and continued suspension as well as memorandum of charge dated 17.11.2020.

2. Learned senior counsel for applicant submitted that the applicant made a detailed representation on 31.05.2021 for revocation of suspension as well as for dropping the entire or some of the charges, which was rejected by order dated 24.06.2021. It reads as under:

"In reference to his letter dated 31.05.2021, Sh. Rohit Sonkar, Manager (under suspension) is hereby informed that his request for reviewing/modifying/dropping of charges has not been acceded to.

This memorandum is issued with the approval of the competent authority."

3. Drawing our attention to the above quoted order, learned senior counsel for applicant has alleged that the applicant's detailed representation has been rejected with a two line cryptic order, without assigning any reasons.

4. The learned senior counsel further drew our attention to the final report of the learned Special Judge, CBI dated 31.12.2020 under Section 173 Cr.P.C. Relevant paragraph of the report reads thus:

"16.25 During investigation role of Sh. Rohit Sonkar, then Manager, India Trade Promotion Organization, New Delhi was investigated. No evidence surfaced against him during investigation with respect to demand, acceptance and recovery of the bribe amount on his part and as such he has not been prosecuted."

5. Heard Shri A.K. Behera, learned senior counsel for the applicant.

6. During the course of arguments, Shri Behera, learned senior counsel for the applicant also referred to FR 53, which deals with admissibility of subsistence allowance to an employee under suspension. He stated that the applicant was not paid any subsistence allowance till December 2020, and it was only when he made a representation on 26.12.2020, that a sum of Rs. 2,00,000/- (Rupees two lakhs only) was credited to his account, which was much below the 50% of his salary and allowance till then.

7. Shri Behera, learned senior counsel submitted that, at this stage, the applicant will be satisfied if a direction is issued to the respondents to pass a reasoned and speaking order on his representation dated 31.05.2021, within a fixed time-frame and till then no further proceedings be initiated.

8. In that view of the matter, we deem it fit and proper to direct the respondents to pass a detailed, reasoned and speaking order on the representation of the applicant dated 31.05.2021, by taking into account the final report of learned Special Judge, CBI, quoted above, within a period of three months from the date

of receipt of a copy of this order. Meanwhile, no further proceedings shall be initiated against the applicant in pursuance of the memorandum of charge dated 17.11.2020.

9. Ordered accordingly. The OA stands disposed of. There shall be no order as to costs.