

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No-89/2020

New Delhi, this the 12th day of February, 2020



Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)

Manish Puri
Aged about 49 years
S/o late Sh. Y.K. Puri
R/o A-2/703, Printer Apartment, Sector 13
Rohini Delhi 110085
Under suspension for the post of Motor Vehicle Inspector
(MVI) in transport Department Govt. of NCT of Delhi
Group B ...Applicant

(through Sh. Gyanant Kumar Singh)

Versus

1. Govt. of NCT of Delhi through
Chief Secretary
Govt. of NCT of Delhi
Delhi Secretariat, IP Estate
New Delhi 110002.
2. Secretary-cum-Commissioner
Transport Department
Govt. of NCT of Delhi
5/9, Under Hill Road, Rajpura Road, Delhi-110054.
3. Deputy Commissioner Vigilance (Transport) IO
Transport Department
Govt. of NCT of Delhi
5/9, Under Hill Road
Rajpura Road, Delhi-110054. ...Respondents

(through Sh. Sameer Sharma)

ORDER(ORAL)**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**

The applicant is working as Motor Vehicle Inspector in the Transport Department of the GNCTD. The CBI initiated proceedings on 12.05.2016 on the basis of a written complaint by Special Commissioner (Vigilance), Transport Department, and the applicant was placed under suspension on 26.12.2015 in contemplation of disciplinary proceedings. It was alleged that, in the course of distribution of Letters of Intent for new Auto rickshaws, at Auto Rickshaw Unit, Burari, the applicant has deviated from the guidelines. After conducting investigation, the CBI submitted a closure report on the ground that, there is no evidence to initiate prosecution but suggested initiation of disciplinary proceedings. It is stated that the charge memo was issued in March 2017. The order of suspension is being extended from time to time, on the basis of recommendations of the Suspension Review Committee, the latest, being the one dated 29.08.2019. This OA is filed challenging the order of suspension as extended vide order dated 29.08.2019.

2. The applicant contends that ever since 2015, he is being continued under suspension and whatever may have been the justification for placing him under suspension at that stage, once the charge memo was issued and the CBI has recommended closure of the proceedings, there is no basis to continue him under suspension.

3. We heard Sh. Gyanant Kumar Singh, learned counsel for the applicant and Sh. Sameer Sharma, learned counsel for the respondents, at length.

4. The applicant was placed under suspension way back on 26.12.2015. Four years have lapsed ever since then and the suspension is being continued from time to time. The applicant was issued a charge memo in March, 2017. Another development is that, the CBI which registered a case has taken the view that adequate evidence does not exist to prosecute him. In other words, the proposal to prosecute the applicant is dropped and it is awaiting the approval of the concerned court.

5. We have also gone through the articles of charges contained in the charge memo. They are in relation to the distribution of some Letters of Intent. No allegation is made about acceptance of illegal gratification nor any serious misconduct is alleged. Whatever may have been the justification for placing the applicant under suspension in the year 2015, the continuance of the same for such a long time cannot be sustained in law. Even if the charges are grave, the usual practice is to revoke the same after two years. The reason is that, the employee cannot be paid huge amounts of subsistence allowance without extracting any work from him. We do not find any justification in continuing the suspension of the applicant for such a long time.

6. Therefore, the extension of the suspension of the applicant through order dated 29.08.2019 is set aside and the applicant shall be reinstated forthwith, into service. The respondents shall also expedite the



disciplinary proceedings and conclude the same within six months from the date of receipt of a copy of this order. There shall be no order as to costs.



(A.K. Bishnoi)
Member (A)

/ns/

(Justice L. Narasimha Reddy)
Chairman