

**Central Administrative Tribunal
Principal Bench, New Delhi**



O.A. No. 1975/2020

Today, this the 4th day of December, 2020

Through video conferencing

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

Sh. S.M. Raju
Retired IAS (1991 Batch, Bihar Cadre)
S/o late Sh. Muni Lakkappa
Aged about 60 years
Presently residing at A-2/506, Milan
Vihar Apartment – 72, IP Extension
New Delhi-110092. ...Applicant

(By Advocate : Shri Nilansh Gaur)

Versus

1. Union of India
Through its Secretary
Department of Personnel & training
North Block, New Delhi.
2. State of Bihar
Through its Chief Secretary
Main Secretariat, Patna 800015.
...Respondents

(By Advocate : Shri Rajeev Kumar for R-1)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy, Chairman :

The applicant was an IAS officer of Bihar cadre. He was placed under suspension on 12.01.2017 by the State Government on account of the fact that he was shown as



an accused in FIR No. 127/2016. It was extended from time to time by the State Government as well as the Central Government. The last of such extension was on 24.01.2020 for a period of six months. The applicant was to retire on 31.07.2020. Taking that fact into account, the State Government issued an order dated 22.07.2020 directing that the suspension extended through order dated 24.01.2020 shall come to an end after expiry of the said period, i.e., 24.07.2020. The applicant made several representations requesting the respondents to decide the manner in which the period of suspension should be treated. Reliance is placed upon certain provisions of service rules. The grievance of the applicant is that no steps are being taken thereon.

2. We heard Sh. Nilansh Gaur, learned counsel for the applicant and Sh. Rajeev Kumar, learned counsel for respondent no. 1, at the stage of admission.

3. The suspension of the applicant was on account of his being shown as an accused in a criminal case. It was not extended beyond 24.07.2020, on account of the fact that he was to retire on 31.07.2020. The question as to whether it is possible to decide the manner in which the period of suspension must be treated, needs to be



examined by the respondents. The representation made in this behalf cannot be kept pending indefinitely.

4. We, therefore, dispose of the OA directing the respondents to pass an order on the representation dated 05.08.2020 within a period of two months from the date of receipt of copy of this order. It is also open to the applicant to make a comprehensive representation to the competent authority, if he is so advised.

There shall be no order as to costs.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/ns/ankit/sd