

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



**O.A. No. 2193/2020
M.A. No. 287/2021**

This the 4th day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Anil Kumar Jain
S/o Shri P.C. Jain
R/o 52, Engineers Estate,
21, I.P. Extension,
New Delhi-110092.

...Applicant

(By Advocate: Shri Apurb Lal)

VERSUS

Delhi State Industrial and Infrastructure Development
Through its CMD
N-36, Bombay Life Building
Connaught Circus, Rajiv Chowk
Connaught Place, New Delhi-110001.

...Respondent

(By Advocate: Ms. Richa Dhawan)

ORDER (Oral)

Justice L. Narasimha Reddy:

The applicant is working as Superintending Engineer in the respondent organisation. Through an order dated 09.07.2020, the respondent placed the applicant under suspension, pending disciplinary action. It was to be in



force, for a period of 90 days. Thereafter, they passed an order dated 07.10.2020 extending the suspension of the applicant by 180 days, from 08.10.2020. The applicant filed this O.A. challenging the order of extension of suspension, dated 07.10.2020.

2. The applicant contends that 90 days' period expired on 06.10.2020 itself and any extension made after expiry of 90 days cannot be sustained in law.

3. The respondent filed a detailed counter affidavit in the O.A. According, to them, the applicant faced several disciplinary proceedings and he was found guilty of sanctioning crores of rupees, contrary to law. A detailed account of the nature of proceedings against the applicant is furnished. It is stated that the suspension was extended within the stipulated time. The applicant filed a rejoinder.

4. We heard Shri Apurb Lal, learned counsel for the applicant and Ms. Richa Dhawan, learned counsel for the respondent.

5. The initial suspension of the applicant was from 09.07.2020 and, as required under the relevant rules, it was to be in force for a period of 90 days. The Review



Committee met promptly enough on 07.10.2020 and took the view that the suspension deserves to be extended. The only point urged by the applicant is that the extension was made after expiry of 90 days.

6. Assuming that the 90 days' period expired on 06.10.2020, the extension came into force on 07.10.2020. Further, in the matters of this nature, one cannot be so hyper technical. The objective underlying the need to extend the suspension is to ensure that the employee does not continue to be in suspension unendingly, once it is ordered. The periodical review is contemplated. That having taken place within 90 days, it cannot be said that there was any illegality.

7. One fact which, however, deserves to be taken note of is that the respondent is yet to issue charge memorandum. Though it cannot be said that the suspension became illegal on account of that, the authorities need to keep in view, the fact that the continuance of an employee under suspension for a long period without issuance of charge memorandum would not sub-serve the interest of the department also.

8. We, therefore, dispose of the O.A. declining to interfere with the impugned order, but directing that the respondent



shall take into account, the various aspects in the matter while considering the case for extension after expiry of the present extension. The fact that the applicant is going to retire at the end of June 2021 shall also be taken into account.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/lg/jyoti/mbt/akshaya/