

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

O.A. No.887/2020



This the 6th day of November, 2020

(Through Video Conferencing)

**Hon'ble Mr. A. K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)**

Anil Kumar Sharma
S/o Shri Shiv Dutt Sharma
Age 53 Years
R/o B-5/270-71, Sector 3,
Rohini, Delhi-110085 ... Applicant

(through Ms. Meenakshi Sood, Advocate)

Versus

Transport Department (GNCTD of Delhi)
Through Secretary-cum-Commissioner (Transport)
GNCT of Delhi
5/9 Under Hill Road
Rajpur Road, Delhi-110054 ... Respondent

(through Ms. Esha Mazumdar, Advocate)

ORDER (Oral)

Hon'ble Mr. R.N. Singh, Member (J):

The present OA has been filed by the applicant under Section 19 of the A.T. Act, 1985 against the inaction on the part of the respondents in not revoking suspension of the applicant, which was ordered vide dated 15.02.2018 (Annexure A-1) nor concluding the disciplinary proceedings

inspite of lapse of more than 2½ years. The applicant has prayed for the following reliefs:-



“(a) set aside impugned suspension order 15.02.2018 and subsequent orders extending the suspension of the Applicant as the same has become illegal and direct the Respondents to pay the full allowances to the Applicant from the date of his suspension as if, the Applicant has never been put under suspension.

(b) in the alternative, direct the Respondent Department to conclude the disciplinary proceedings, if any, within period of 3 months.

(c) exemplary cost for litigation expenses in favour of the Applicant and against the Respondents may be awarded in the facts and circumstances of the case and in the interest of justice, and/or

(d) pass any other and further order as this Hon’ble Tribunal may seem fit and proper in the facts and circumstances of the case, in favour of the Applicant and against the Respondents.”

2. In response to the notice received from the Tribunal, the respondents have filed their counter reply.

3. We have heard the learned counsel for the parties and perused the pleadings available on record.

4. Learned counsel for the applicant argued that though the applicant was suspended vide order dated 15.02.2018 on the ground of contemplated disciplinary proceedings, however, till date neither any charge-memo has been issued to the applicant nor the applicant’s said suspension has been revoked by the respondents. Rather the respondents have been extending the applicant’s suspension from time to time, without application of mind.

5. Learned counsel for the applicant further adds that the applicant has preferred representations dated 14.01.2020 and 17.02.2020. However, till date no remedial action has been taken by the respondents.



6. Per contra, learned counsel for respondents argued that in fact disciplinary proceedings had not been initiated by issuing the charge memo in view of the fact that inspite of their best efforts, they have not been able to receive the necessary information and the documents from the CBI till date and keeping in view the allegation of corruption in the department in which the applicant had been working, the applicant was suspended and such suspension is being revoked from time to time.

7. It is very fairly admitted by learned counsel appearing for the applicant that though the applicant preferred the aforesaid two representations for redressal of his grievances, however, all the grounds which could have been raised before the respondents for revoking his suspension, have not been taken in those representations.

8. In view of the aforesaid facts and circumstances, we dispose of the present OA with liberty to the applicant to make a comprehensive representation before the competent authority of the respondents for redressal of his

grievances, within two weeks from today and if such representation is made by the applicant, the respondents are directed to consider and to dispose of the same by passing a reasoned and speaking order, as expeditiously as possible, and in any case within six weeks from the date of receipt of such representation from the applicant. It is made clear that by passing this order, we have not commented upon the merits of the case of the applicant in any manner.



9. The OA is disposed of in the aforesaid terms. No order as to costs.

(R.N. Singh)
Member (J)

(A.K. Bishnoi)
Member (A)

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