



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.1441/2020

Tuesday, this the 22nd day of December, 2020

Through video conferencing

Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Sudarshan Meena
Aged 34 years
s/o Shri Prahlad Kumar Meena
Deputy Commissioner CGST (Under suspension)
c/o Commissioner of Central Goods and Service Tax
Department of Revenue
Ministry of Finance,
Administrative Area, Paryawas Bhawan
Area Hills, Bhopal 462004

Resident of:

303, Godawari
17-A Customs Colony
Powai Vihar, Mumbai 400076

...Applicant

(Mr. Prateek Tushar Mohanty, Advocate)

Versus

1. Union of India through the Secretary
Department of Revenue
Ministry of Finance
North Block, New Delhi -110 001
2. The Chairperson
Central Board of Indirect Taxes and Customs
Department of Revenue
Ministry of Finance,
North Block, New Delhi – 110 001

..Respondents

(Mr. Gyanendra Singh, Advocate)

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:**

The applicant is working as Deputy Commissioner in Central Goods & Service Tax (CGST). He was arrested on 30.04.2018 on the allegation that he demanded and accepted some illegal gratification and was in police custody till 04.05.2018. Taking the same into account, the appointing authority placed him under suspension, through an order dated 11.05.2018, thereafter it is being extended from time to time. This O.A. is filed challenging the suspension order dated 11.05.2018, as extended from time to time.

2. The applicant contends that the CBI investigated the case with reference to which he was arrested and in the charge sheet, that was filed on 23.11.2019, his name did not figure at all. He contends that once the investigation is complete and he did not figure as accused, there is absolutely no basis for continuance of the suspension.

3. Learned counsel for respondents obtained instructions. It is stated that the applicant has been issued a charge memo dated 09.12.2020 under Rule 14 of CCS (CCA) Rules, 1965. It is also stated that the Reviewing Authority would take the appropriate decision at the relevant point of time. It is stated that the applicant was transferred to Bhopal.



4. We heard Mr. Prateek Tushar Mohanty, learned counsel for applicant and Mr. Gyanendra Singh, learned counsel for respondents.

5. The applicant was arrested by the CBI in connection with a corruption case on 30.04.2018. Naturally, that resulted in his being placed under suspension through order dated 01.05.2018. No exception can be taken either to the initial suspension or to the subsequent extensions. However, the events, that occur over the period, need to be taken into account, while reviewing the matter for extension of suspension.

6. Three factors need to be taken into account. The first is that the applicant is said to be not figuring as an accused in the charge sheet filed by the CBI. If it is a fact that the name of the applicant did not figure in the charge sheet, the same needs to be taken into account, by the Reviewing Authority. The second is about the issuance of a charge memo under Rule 14 of CCS (CCA) Rules, 1965 on 09.12.2020. The question as to whether the charges are serious in nature, warranting the continuance of the applicant under suspension, deserves to be considered. The third is about the shifting of the applicant from Mumbai to Bhopal. We are of the view that as and when the case of the applicant becomes due for reviewing the suspension, the factors mentioned above shall be taken into consideration.

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7. The O.A. is disposed of directing that the Reviewing Authority shall take into account that the factors mentioned above while considering the case of the applicant on expiry of the existing period of suspension.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

December 22, 2020
/sd/sunil/