

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

08/10/2020

O.A./260/110/2017

M.A./260/257/2017

S K BEHERA

-V/S-

NATIONAL SAMPLE SURVEY ORGANISATION

ITEM NO:31

FOR APPLICANTS(S) Adv. :

Mr. D. K. Mohanty

FOR RESPONDENTS(S) Adv.:

Mr. J.K. Nayak

Notes of The Registry	Order of The Tribunal
	<p>Heard Ld. Counsels for the applicant and Mr. J.K. Nayak, Ld. Counsel for the respondents.</p> <p>Applicant's counsel submits that the case of the applicant is that he was placed under deemed suspension as per order dated 09.07.2014 (Annexure-A/1) under rule 10 of the CCS (CCA) Rules, 1965 with effect from 19.06.2014. He further submitted that after expiry of a period of 90 days from the date of suspension, the Respondent No.1 vide its order dt. 20.10.2014 (Annexure-A/2) extended the order of suspension for another 3 months since the applicant was released from detention within 90 days from his deemed suspension. He submits that as stipulated under Rule 10 of CCS (CCA) Rules, 1965 the extension of suspension period after 90 days is non-est in the eye of law. He has prayed for quashing of the extension of suspension period from time to time after 20.10.2014 with consequential financial benefits.</p> <p>Learned counsel for the respondents submitted that the suspension period was extended by the review committee before 90 days period as stated in the order dated 20.10.2014 (Annexure-A/2).</p> <p>It is noticed that no document has been furnished by the respondents in the Counter to show that the extension of suspension was issued and communicated within 90 days from the date of commencement of the deemed suspension as required under the rule 10 of the CCS (CCA) Rules, 1965, although the extension was reviewed within 90 days. Hence, the extension of suspension by order dated 20.10.2014 (Annexure-A/2) has been issued in violation of the rule 10 of CCS (CCA) Rules 1965, for which it is not sustainable. Accordingly, the order dt. 20.10.2014 (Annexure-A/2) is quashed and the subsequent orders for extension of suspension, which are impugned in this OA are also quashed.</p>

Regarding consideration of consequential benefits, the applicant will be at liberty to submit a fresh representation for consequential benefits in accordance with law before Respondent No.1/competent authority within two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent No.1/competent authority shall consider and dispose of the same as per existing guidelines by a speaking order in accordance with law, a copy of which is to be communicated to the applicant within a period of 30 days from the date of receipt of a copy of this order.

Accordingly, the O.A. is allowed.

Applicant is at liberty to send a copy of this order along with fresh representation and paper books to Respondent No.1/competent authority.

Copy of this order to Ld. Counsels for both sides. The parties may also take follow up action on this order, which will be uploaded in the website of this Tribunal.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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