

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/21/12/2020& MA/21/230/2020

HYDERABAD, this the 16th day of September, 2020

**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



R. Ranjith Kumar, Group.C
S/o. Late R. Ramchander,
Aged about 52 years,
Occ: Superintendent (Caretaking),
National Institute for Micro Small
and Medium Enterprises (NI- MSME),
Yousufguda, Hyderabad - 500 045.

... Applicant

(By Advocate: Mr. M. Venkanna)

Vs.

1. The Union of India rep. by
Secretary to the Government of India,
Ministry of Micro, Small and Medium Enterprises,
Government of India, Udyog Bhavan,
New Delhi - 110 011.
2. The Director General,
National Institute for Micro, Small
and Medium Enterprises, (NI-MSME),
Yousufguda, Hyderabad - 500 045.

... Respondents

(By Advocate: Mr. V. Venu Madhava Swamy, Addl. CGSC)

O R D E R (ORAL)**Hon'ble Mr. B.V. Sudhakar, Admn. Member**

Through Video Conferencing :

The present O.A. is filed in regard to continuing the applicant under suspension.

2. The brief facts of the case are that the applicant joined the respondent's organization as an Attendar and after working for 29 years, he had grown in the cadre and is presently working as Superintendent. On 3.11.2019, a complaint was lodged in regard to felling of trees in the compound of the respondent's organization. The Jubilee Hills Police Station arrested the applicant on 4.11.2019 at 20.45 hrs. and produced him before the Court on 5.11.2019 at 15.00 hrs. An FIR was registered in regard to the complaint lodged. The applicant was released on bail on 6.11.2019. For being in judicial custody, the applicant was suspended vide impugned order dated 7.11.2019. A charge sheet has been filed by the Police in the competent Court in CC No.19623/19. The applicant claims that he is in no way connected with the allegations made and that though he was not in judicial custody for 48 hours, he was suspended. Aggrieved over the same, the present O.A. has been filed.

3. The contentions of the applicant are that there is no breach of trust or theft of trees since the property has not been taken out of the premises of the respondent's organization. The applicant cannot be placed under deemed

suspension since he was not kept under judicial custody for more than 48 years. The alleged tree feller, who is supposed to be the potential accused as per the allegations made, has not complained against the applicant. Besides, there was no crime registered against the tree feller.

4. The respondents in their reply statement stated that the applicant is working as Superintendent in the respondent's organization and was assigned the duties of Care Taker, which includes maintenance of buildings, gardens, landscapes, etc. The applicant, instead of taking care of the buildings and landscapes, has got axed 27 old trees in different parts of the premises with the help of outsiders and loaded 140 logs, weighing 8 to 9 tons in a lorry with the help of a crane. The applicant committed this irregularity without the approval of the superior officers and that too on a closed holiday i.e. 3.11.2019. The intention of the applicant was malafide since he wanted to make money through illegal means, which is a cognizable offence u/S 409 & 379 r/w 511 of IPC. The 2nd respondent, after knowing about the felling of the trees, rushed to the spot and made a preliminary inquiry with the lorry driver and the crane operator, which revealed that the trees were cut on the instructions given by the applicant. Hence, a complaint was lodged in the Jubilee Hills Police Station. FIR was registered and the applicant was apprehended from his residence on 4.11.2019 at 18.45 hours. Thereafter, he was produced before the competent Court on 5.11.2019 and was kept under judicial custody. He was granted bail on 6.11.2019 at 19.30 hours as per the written statement of the applicant vide his letter dated 11.11.2019 (Annex.IV). He was, therefore, kept under deemed suspension for being in judicial custody for more than 48



hours. The criminal case is being heard in the competent Criminal Court. Even the State Forest Department is inquiring into the case for illegal felling of trees. The internal inquiries made by the security agencies engaged by the respondents revealed that it is the applicant, who was involved in the illegal act of felling the trees. The same has been confirmed by different employees like the Electrician Mr. Vijaya Bhaskar, CC TV footage etc. The applicant is misleading the Court by giving wrong information that he was released on bail in the morning hours of 6.11.2019 as stated at page 6 of the O.A., which is contrary to what he has stated in his representation dated 11.11.2019. The applicant has also not enclosed 3rd & 4th pages of the charge sheet filed before the Hon'ble Criminal Court, which in fact contains the crucial information about the issue under consideration. The applicant is a responsible Government servant, who is expected to be honest and devoted to duty. As he was found lacking the same, suspension was ordered as per rules.

5. Heard Sri M. Venkanna, learned counsel for the applicant and Sri V. Venu Madhava Swmay, learned counsel for the respondents and perused the pleadings on record.

6. The issue is about the allegation of the applicant illegally felling the trees in the compound of the respondent's organization on 3.11.2019, with the help of outsiders. The 2nd respondent, on knowing about the felling of the trees, immediately rushed to the spot and after making preliminary inquiries, ensured that a complaint is lodged against the applicant in Jubilee Hills Police Station. The Police authorities apprehended the applicant from his residence on 4.11.2019 at 18.45 hours. He was produced before the



competent Court on 5.11.2019 and was kept under judicial custody. He was granted bail on 6.11.2019 at 19.30 hours. These are the facts on record. Applicant has also confirmed the same vide his representation dated 11.11.2019. Therefore, averment made by the applicant in the O.A. that he was not kept under judicial custody for 48 hours is not true. As per rules, any employee when he is detained beyond 48 hours by the Police authorities/ judicial custody, then the employee has to be suspended. Respondents did the same vide Memo dated 7.11.2019. Hence, the action of the respondents is as per rules. A charge sheet has been filed and is under adjudication by the competent Criminal Court. Learned counsel for the respondents stated that the Forest Department is also inquiring into the matter because a number of old trees were illegally got cut by the applicant with the assistance of outsiders. This, the applicant is stated to have done without the approval of the superior officers. Hence, he is liable for disciplinary action. Learned counsel for the applicant argued that since a charge sheet has been filed before the competent Criminal Court, the suspension may be revoked. The respondents claim that as the crime is serious, they have suspended the applicant and are continuing it. However, we are of the view that if the respondents desire to take disciplinary action against the applicant, they need to issue a charge memo in a given time frame. It is not in the interest of the applicant or that of the organization to keep an employee under suspension for a long period of time. Nearly 11 months have lapsed but the respondents have not yet issued any charge memo, though they stated that they would initiate disciplinary action against the applicant. The Hon'ble Supreme Court, in a catena of judgments, observed that disciplinary action has to be taken within a given time frame.

Therefore, it would be fair to direct the respondents to issue charge memo within a period of 6 months from the date of receipt of this order. Once the charge memo is issued, they may consider revocation of suspension and place the applicant in a post where he would not be in a position to interfere with the witnesses or documents. This, we are of the opinion, would serve the interest of justice. Hence, the respondents are directed accordingly.



With the above direction, the O.A. is disposed of. MA/21/230/2020 shall stand closed. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(ASHISH KALIA)
MEMBER (JUDL.)

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