

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 043/00260/2020

Date of Order: This, the 7<sup>th</sup> day of December, 2020

**THE HON'BLE SMT. MANJULA DAS, MEMBER (J)**  
**THE HON'BLE MR. NEKKHOMANG NEHSIAL, MEMBER (A)**

Shri Raju Baruah  
Sepoy, S/O Shri Jaysen Baruah  
Resident of G.S.Road, Near the Lila Brothers  
Shillong-793017.

**... Applicant**



- Versus -

1. The Union of India  
Through the Secretary  
Department of Revenue  
Ministry of Finance  
New Delhi-110001
2. The Chief Commissioner,  
Customs and CGST  
GST Bhawan, Guwahati.

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3. The Commissioner of Customs (Preventive,  
NER, Shillong, 793001.

**...Respondents**

For the Applicant: Sri M. Chanda, Sri K. Abhinaba,  
Ms. R. Medhi and Smt. U. Dutta

For the Respondents: Sri S.K. Ghosh, Addl. CGSC

**ORDER (ORAL)**



**MANJULA DAS, MEMBER (J):**

This matter has been taken up through video conferencing.

2. This case has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking for the following reliefs:-

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" 8.1 That the Hon'ble Tribunal be pleased to direct the respondents to reinstate the applicant in service with immediate effect without any further delay.

8.2 That the Hon'ble Tribunal be pleased to declare that the period of suspension of the applicant w.e.f. July, 2013 as invalid and he is entitled to full salary w.e.f. July, 2013 till the date of his joining.

8.3 That the Hon'ble Tribunal be pleased to direct the respondents to release full arrear salary to the applicant w.e.f. July, 2013 till the date of his joining with interest at the rate of 12% p.a.

8.4 That the Hon'ble Tribunal be pleased to direct the respondents to release arrear salary w.e.f. 2011 till the date of his deemed suspension w.e.f. 02.03.2013 with interest at the rate of 12% p.a.

8.5 That the Hon'ble Tribunal be pleased to direct the respondents to grant subsistence Allowance to the applicant for the period of valid suspension w.e.f. 02.03.2013 to July, 2013 with interest at the rate of 12% p.a.

8.6 Any other relief or reliefs as the Hon'ble Tribunal may deem fit and proper, including the cost of the case."



3. Smt. U. Dutta, learned counsel appearing for the applicant submitted that on 02.03.2013, an F.I.R. was lodged against the applicant by one incumbent namely Smt. Meena Hajong alleging sexual assault and the same was registered vide Shillong Sadar under P.S. Case No. 59(3) of 2013 u/s 376/342/506 of IPC. He was arrested and detained in police custody for more than 48 hours. In view of that, he was placed under suspension w.e.f. the date of his detention on 02.03.2013.



4. Smt. Dutta has drawn our attention to the order dated 12.03.2020 passed by the Additional Session Judge, Shillong in Session Case No. 34 of 2015 wherein the applicant was acquitted from the charges under Section 376/342/506 of IPC on benefits of doubts and set at liberty forthwith. According to the learned counsel, in

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view of the above, applicant ought to have been reinstated in service. However, despite intimation to the respondent authorities, applicant was not reinstated in his service.

5. Learned counsel for the applicant further submits that no such disciplinary proceeding has been initiated against the applicant. No review has also been conducted by the respondents before expiry of 90 days from the date of release of the applicant. Applicant has also made representation before the respondent No. 3 on 07.07.2020 with a prayer to revoke his suspension and to grant all his entitlements together with arrears in order to avoid further financial sufferings. Said representation is pending and has not yet been considered by the respondents.



6. We have heard Smt. U. Dutta, learned counsel for the applicant and Sri S.K. Ghosh, learned Addl. CGSC for the respondents.

7. It was inquired to both the learned counsel for the parties as to the annexing any documents in regards to suspension of the applicant, learned counsel for the applicant submits that suspension order was not handed over to the applicant as he was arrested immediately.



Due to non-availability of the suspension order, the applicant could not submit the same before the court.

8. On the other hand, Sri S.K. Ghosh, learned Addl. CGSC appearing for the respondents submits that at present, he does not have any instructions into the matter.

9. By taking into consideration the entire conspectus of the matter, as the representation made by the applicant on 07.07.2020 is still pending, we deem it fit and proper to direct the respondent authorities more particularly the Commissioner of Customs, NER, Shillong, respondent No. 3 to take action/decision on the representation dated 07.07.2020 as per law and finalize the case of the applicant within a period of one months' from the date of receipt of a copy of this order.



Ordered accordingly.

10. If any decision to be taken by the respondent No. 3 either by reinstating the applicant or by going into further action, same shall be communicated to the applicant forthwith so as to enable the applicant to make his grievances before the appropriate forum.

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11. The O.A. stands disposed of accordingly at the admission stage without going into the merit of the case.

12. There shall be no order to costs.

**(NEKKHOMANG NEIHSIAL)**  
**MEMBER (A)**

**(MANJULA DAS)**  
**MEMBER (J)**



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