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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A. NO.2503/2004

This the 10th of September, 2007

HON'BLE SHRI JUSTICE V. K. BALI, CHAIRMAN

HON'BLE SHRI L. K. JOSHI, VICE-CHAIRMAN (A)

Corrected vide order
dated 3.10.07 in MA 1812/07.

^{Urmila}
Mrs. Uma Sharma W/O Gopi Chand,
R/O 9/906, HIG Duplex,
Vasundera, Ghaziabad,
Employed as Principal in
Sarvodaya Kanya Vidyalaya No.1,
C-Block, Yamuna Vihar, Delhi.

- ... Applicant

(By Shri K.K.Sharma, Advocate)

Versus

1. Government of NCT of Delhi through
Chief Secretary, Old Secretariat,
Rajpur Road, Delhi-110006.
2. Director of Education,
Directorate of Education,
Government of NCT of Delhi,
Old Secretariat, Rajpur Road,
Delhi-110006.
3. Joint Secretary (Vigilance),
Directorate of Vigilance,
Government of NCT of Delhi,
4th Level, C-Wing,
Delhi Sachivalaya, I.P.Estate,
New Delhi-110002.
4. Deputy Director of Education,
North East Zone, B-Block,
Yamuna Vihar, Delhi.

(By Mrs. Renu George, Advocate)

ORDER**Justice V. K. Bali, Chairman:**

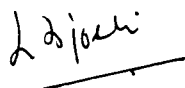
Mrs. Urmila Sharma, applicant herein, has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking quashing of order dated 20.8.1999 (Annexure-A) vide which suspension of the applicant ordered on 21.7.1999 was extended or continued, along with her subsistence allowance already being made over to her. The challenge to the order of extension of suspension is primarily on the ground that the suspension had to be reviewed within ninety days under rules and since the same was not reviewed within the stipulated time, the order extending the period of suspension would be illegal and *non est*.

2. This matter is pending adjudication in this Tribunal since 2004. We find from the records some interim orders dealing with the controversy on merit to some extent. However, as on today, the applicant having superannuated from service w.e.f. 31.3.2006, the basic relief of reinstatement during the pendency of enquiry cannot be allowed at this stage. The basic relief thus appears to have become infructuous in view of the superannuation of the applicant. The surviving question at this stage can only be with regard to how the period of suspension has to be treated. It is not in dispute that the period an employee may have been under suspension pending enquiry, has to be decided in view of FR-54. The concerned authority has to take a decision as to whether the said period would be treated as spent on duty or otherwise. It is

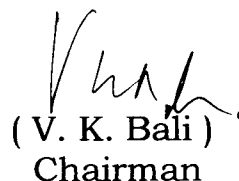
further not in dispute that the applicant was departmentally proceeded on the same charges on which she was criminally prosecuted as well, and that criminal proceedings have culminated into an order of acquittal, even though as on today, departmental proceedings are pending.

3. In totality of the facts of this case, we only direct that departmental enquiry be completed against the applicant as expeditiously as possible and preferably within a period of four months from today, in case the applicant may co-operate. We further direct the disciplinary authority to decide as to how the period of suspension would be treated in view of the provisions contained in FR-54. Surely, the plea raised by the applicant in the present Application that the order extending the period of suspension of the applicant is beyond the prescribed period of limitation, and effect thereof, shall also be decided by the concerned authority.

4. The Application is disposed of in the manner indicated above. No costs.



(L. K. Joshi)
Vice-Chairman (A)



(V. K. Bali)
Chairman

/as/