

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00006/2020

Date of Order: This, the 11th Day of August, 2021

**THE HON'BLE MS. MANJULA DAS, CHAIRMAN
THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)**



Sri Chandramoni Tamuli
PGT, English
J.N.V., Diphu
District – Karbi Anglong, Assam
Pin - 782460

... Applicant

- Versus -

1. The Union of India
Through the Secretary
Government of India
Ministry of Human Resource Development
Department of Education, New Delhi
Pin – 110001.
2. The Commissioner
Navodaya Vidyalaya Samity
Institutional Area, Sector-62, Noida
Uttar Pradesh – 201307.
3. The Assistant Commissioner
Navodaya Vidyalaya Samity
Institutional Area, Sector-62, Noida
Uttar Pradesh – 201307.
4. The Deputy Commissioner
Navodaya Vidyalaya Samity

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Regional Office, Temple Road
Barik Point, Lachumiere
Shillong – 793001.

5. The Principal
J.N.V. Diphu
District – Karbi Anglong, Assam
Pin – 782460.

...Respondents.

For the Applicant : Sri G. Baishya & Sri A. Hassan
For the Respondents : Smt. R.S. Choudhury &
Ms. A. Longsu



ORDER (ORAL)

NEKKHOMANG NEIHSIAL, MEMBER (A):-

This O.A. has been filed by the applicant asking
for the following reliefs:-

- "8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned Order Ref. No. PER 14/NVS(SHR)/CTamuli/489(D) dated 17.11.2019 issued by the Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Shillong (respondent No. 4).
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondent authorities to reinstate the applicant at his present place of posting i.e.

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JNV, Diphu, Karbi Anglong and further be pleased to regularize the suspension period of the applicant with full salary may be paid for the suspension period.

8.3 Cost of the application.

8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper."



2. The case was initially filed by the learned counsel for the applicant on 09.01.2020. After going through the process of giving reasonable opportunities to both parties, the case was finally heard on 09.03.2021 and kept on reserved. The final judgment has been delayed due to restrictions/lock down imposed as a result of Covid-19 2nd wave.

3. Facts of the case was that the applicant was initially placed under suspension vide order No. F14 Comp NVS (SHR) CT Admn 210 dated 22.04.2019 (Annexure-A8, page 28) contemplating disciplinary action against him. This suspension order was lastly extended vide order No. PER_14/NVS (SHRI)/CTamuli dated 17.11.2019 i.e. after expiry of previous extension of 90 days. Accordingly, in this O.A., applicant is

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challenging the extension of his suspension for a period from 20.10.2019 to 17.01.2020 being against the norms and orders on the subject.



4. The respondent authorities i.e. 2, 3, 4 & 5 filed their written statement on 19.10.2020. Apart from bringing out certain materials, which are of course not relevant of the issue. The respondent authorities at para 16 in their written statement do admitted that there was a delay on their part in extending the period of suspension of the applicant. They have stated that the extension of the suspension of the applicant was considered by the Review Committee in its meeting held on 21.11.2019. Accordingly, the decision of the Review Committee for extension has been conveyed vide order dated 26.11.2019. They enclosed a copy of the order No. 1-8/2016-NVS (Estt-III) dated 26.11.2019 (Annexure-R1). They have also enclosed a copy of the order No. PER_14/NVS (SHRI)/CTamuli dated 17.11.2019 which is challenged by the applicant in this OA.

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5. We have considered the issue. It appears that the respondent authorities issued two orders dated 17.11.2019 and 26.11.2019 but identical order on the subject regarding extension of suspension of the applicant from 20.10.2019 to 17.01.2020. Though different orders, the subject matter under challenge i.e. illegal extension of the suspension period beyond 20.10.2019 is indisputably the same. In this context, the norms and orders laid down for the purpose of extension of suspension period is very clear and well established. As per the existing orders, the suspension of an employee has to be reviewed before expiry of the initial period of 90 days or the extended period of 90 days either to revoke the suspension or to extend it for further period.



6. As admitted by the respondent authorities, review was carried out on 26.11.2019 or as the case may be, the order dated 17.11.2019 as differently stated by all the order of extension of suspension of the applicant is found not maintainable. Accordingly, order dated

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17.11.2019 as well as dated 26.11.2019 extending the period of suspension of the applicant for another period of 90 days are hereby set aside. The applicant would deem to be on duty w.e.f. 20.10.2019 with all consequences.

7. O.A. stands allowed to the extent as indicated above. No order as to costs.



(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
CHAIRMAN

PB

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