

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00150/2020

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)**



Smt. Pranita Das
W/O- Sri Chandramoni Tamuli
PGT, Assamese, 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 – 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
Regional office, Temple Road

O.A. No. 040/150/2020

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 and
Mrs. B. Bora

For the Respondents : Smt. R.S. Choudhury &
Ms. A. Longsu



O R D E R (ORAL)

NEKKHOMANG NEIHSIAL, MEMBER (A):-

This O.A. has been filed by Sri G. Baishya, learned counsel for the applicant asking for the following reliefs:-

“8.1 That the Hon’ble Tribunal be pleased to set aside and quash the impugned orders dated 17.7.2019, 27.11.2019 and 24.1.2020, issued by the Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Shillong (respondent No. 4).

8.2 That the Hon’ble Tribunal be please to direct the respondent authorities to reinstate the applicant at her present place of posting i.e. JNV, Diphu, Karbi Anglong and further be pleased to regularise the

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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. Facts of the case of the applicant was that –

she is working as TGT, Assamese in JNV, Diphu, Karbi

Anglong, Assam. She has been placed under

suspension vide order No.

14/Comp/NVS(SHR)/PD/Admn dated 10.04.2019 for

pending departmental enquiry proposed to be

conducted vide Memorandum No.

14/Com/NVS(SHR)/PDAs dated 01.05.2019. During the

process of enquiry, vide order dated 17.07.2019, the

period of suspension was extended for another 90 days

w.e.f 09.07.2019 to 06.10.2019 and again from 07.10.2019

to 04.01.2020 vide order dated 27.11.2019 and from

05.01.2020 to 03.04.2020 vide order dated 24.01.2020.

The applicant is challenging these orders of extension

dated 17.07.2019, 27.11.2019 and dated 24.01.2020 on

the ground that these extensions have been given after

expiry of the previous expiry of 90 days of the previous



periods which is against the norms and rules on the subject.

3. The respondent authorities filed their written statement on 22.01.2021. Apart from making submissions on other issues which are found not relevant on the issue disputed, they have admitted at para 15 that there have been some delays in passing suspension review orders dated 17.07.2019, 17.11.2019 and 24.01.2020. They added that such delays were neither intentional nor deliberate and out not to be absolved against of the misconduct committed by the applicant.



4. We have considered the issue. As per existing orders on the subject, period of suspension is supposed to be reviewed before expiry of 90 days either for revocation of the suspension order or for extension of the suspension period. As admitted by the respondent authorities, the above 3 extensions have been given by them after expiry of the previous suspension period. This is against the norms and orders on the subject.

Accordingly, extension of suspension orders No. PER.14/Comp//NVS(SHR)/PDAs dated 17.07.2019, 27.11.2019 and 24.01.2020 are hereby set aside and quashed. The applicant would deem to be not under suspension w.e.f. 09.07.2019 with all consequences.

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



(NEKKHOMANG NEHSIAL)
MEMBER (A)

(MANJULA DAS)
CHAIRMAN

PB

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