

**Central Administrative Tribunal
Principal Bench, New Delhi**



O.A. No.923/2021

&

M.A.No.2551/2020

This the 28th day of April, 2021

(Through Video Conferencing)

Hon'ble Mr. A.K. Bishnoi, Member (A)

Hon'ble Mr. Ashish Kalia, Member (J)

Baleshwar Prasad Yadav
S/o Sh. Jatan Lal Yadav
R/o H. NO. 681A,
Near Satya Sai Public School,
Nayi Basti Devli Deoli Hauz Khas
South Delhi-110062

... Applicant

(through Advocate: Shri Rama Shanker)

Versus

1. South Delhi Municipal Corporation
Civic Centre, J.L Nehru Marg
Minto Road New Delhi-110002
Through its Commissioner
2. The Deputy Commissioner
Primary Education SDMC
15th Floor City Civic Centre,
Civic Centre, J.L. Nehru Marg
Minto Road, New Delhi-110002

... Respondent

(through Advocate: Shri R.K. Jain)

ORDER (Oral)

Hon'ble Mr. Ashish Kalia, Member (J):

The applicant has filed this OA seeking the following reliefs:-



- “a) That the respondent may kindly be directed to reinstate the applicant with full back wages and continuity of services alongwith all other consequential benefits.
- b) The difference of suspension allowance paid to the applicant and the actual payable salary with all other increments may kindly also be directed to be paid to the applicant.”

2. The applicant has also moved a Misc. Application (MA 2551/2020) seeking condonation of delay of 170 days in filing the accompanying OA.

3. In view of the directives of the Hon'ble Supreme Court vide Order dated 23.03.2020 in Suo Motu Writ Petition (Civil) No.3 of 2020, extending the period of limitation for filing any proceeding with effect from 15.03.2020 until further orders, the present MA is allowed. Accordingly, delay of 170 days in filing the accompanying OA is condoned. Registry is directed to allocate an appropriate OA number to the accompanying OA.

4. The brief facts of the case are that the applicant was appointed to the post of Assistant Teacher (Primary) on 24.11.1999 and joined on the said post on 1.12.1999. He was suspended on 19.12.2021. But till date, neither chargesheet has been issued to him nor the respondents have reviewed the suspension of the applicant, which is in violation of the provisions of CCS (CCA) Rules, 1965, which provide that suspension is not valid after a period of 90 days unless it is extended after review for further period before expiry of 90 days, as also of the law laid down by the

Apex Court in the case of **Ajay Kumar Choudhary Vs. Union of India through its Secretary and another**, reported in (2015) 7 SCC 291.



5. As per the submissions made by the learned counsel for the applicant, learned counsel for the respondents needs some time to have necessary instructions for apprising this Tribunal the reasons for applicant's suspension.

6. However, we are of the considered view that this matter may be disposed of at this admission stage itself with direction to the applicant to submit a detailed representation on the issue of non-issuance of chargesheet to him for the last about 9 years and also why the suspension has not been reviewed after 90 days, as per the judgment of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary Vs. Union of India through its Secretary and another** (supra), wherein directive had been issued by the Apex Court to carry out the exercise of periodical review to ascertain the justification of further continuance of suspension, as also mandated in the provisions of CCS (CCA) Rules, 1965.

7. In view of the above, let applicant make a detailed representation to the respondents within a week's time and the respondents are directed to dispose of the same by passing a reasoned and speaking order within a period of four weeks thereafter. In case the applicant is not satisfied with the same, he

will be at liberty to approach this Tribunal again in accordance with law, if so advised.



8. The OA is disposed of at the admission stage itself in the aforesaid terms. No costs.

(Ashish Kalia)
Member (J)

(A. K. Bishnoi)
Member (A)

/ravi/daya/