



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

O.A. No. 3393/2019

This the 6th day of September, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Sanjeev Kumar,
Aged about 46 years,
S/o Shri Banwari Lal Chauhan,
Working as Social Security Officer
In ESIC, Posted at SRO, Ambala,
R/o H.No.248/2, Rambir Colony, Railway Road,
Jind (Haryana) ...Applicant

(By Advocate: Mr. Yogesh Sharma)

Versus

1. Employees' State Insurance Corporation,
Through its
Director-General,
Panchdeep Bhawan,
CIG Road, New Delhi – 02.
2. The Commissioner, Insurance &
Employees' State Insurance Corporation,
Headquarter Office,
Panchdeep Bhawan,
CIG Road, New Delhi – 02.
3. The Additional Commissioner & Regional Director,
Employees' State Insurance Corporation,
Regional Office, Panchdeep Bhawan, Sector 16,
Faridabad, Haryana ...Respondents

(By Advocate: Mr. V.K. Singh)



ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief(s) :-

- i. That the Hon'ble Tribunal may graciously be pleased to pass an order quashing the impugned suspension order dated 22.05.2019 (Annex. A/1) and consequently, pass an order declaring to the effect that the applicant is deemed on duty w.e.f. 20.8.2019 on completion of 90 days from the date of suspension, and consequently pass an order directing the respondents to re-instate the applicant in service immediately with all the consequential benefits including pay and allowances with arrears of difference of pay and allowances with interest.
- ii. Any other order which this Hon'ble Tribunal deem fit and proper may also be granted to the applicant along with the costs of litigation.”

2. This matter is related to the suspension order dated 22.05.2019, by which the applicant was placed under suspension. However, Mr. Yogesh Sharma, learned counsel for the applicant placed a copy of order dated 13.08.2021, by which the department has revoked the suspension order dated 22.05.2019 of the applicant w.e.f. 26.07.2021. The said order reads as under :-

“ORDER



Whereas, Sh. Sanjeev Kumar, SSO (Emp.ID-123105) was placed under suspension w.e.f. 22.05.2019 vide Order of even number dated 22.05.2019.

NOW, the suspension of Sh. Sanjeev Kumar, SSO (Emp.-ID-123105) has been revoked by the Suspension Review Committee, Hqrs Office and conveyed to this office vide their Letter No.C-13/17/03/2019-Vig./1080 dated 26.07.2021 for revocation of the suspension with immediate effect under Sub-Rule 7 of Rule 10 of the Central Civil Service (Classification, Control & Appeal) Rules, 1965 read with Sub-Rule 5 of Rule 10 of ESIC (Staff & Conditions of Service) Regulation, 1959 (as amended).

The official shall be entitled for salary, pay and allowances as per rules and regulations.

The other service benefits viz. promotions, payment of arrears, increments and other payable allowance, dues etc. withhold during the period of suspension of the official shall be retained with this office and shall be cleared only after the finalization of the case as per existing rules and norms.

The aforesaid revocation order is a provisional order and the official shall not be construed as being exonerated/ abstained from the charges leveled or decrease in severity/grievousness of the charges at any level/extent. The said order should be reviewed on its own motion and a final order shall be passed after the completion of the investigation at several channels.

The official shall be reporting to their concerned place of posting with the joining/acceptance letter in r/o the aforesaid order along with furnishing of a certificate by the official that he is/was not engaged in any other employment, business, profession or vocation during the suspension period.”



3. Thus, nothing remains to be done in this case, as the relief has already been granted to the applicant.

4. Accordingly, the OA is disposed of as having become infructuous.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

'lg/rk/dd'