



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**OA No. 3807/2016
MA No. 254/2018**

This the 13th day of May, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Tarun Shridhar, Member (A)**

D. K. Thakur,
(Working as Section Officer), Age -58, Group -B,
In the office of Ministry of Statistic and Programme
Implementation (Cadre Office of the Ministry of Home Affairs),
S/o Late Shri S. L. Thakur,
R/o B-128 (3rd Floor),
Shivalik, New Delhi – 110017.

... Applicant

(By Advocate : Mr. Vishwendra Verma)

Versus

1. Union of India,
Through the Secretary,
Ministry of Statistics and Programme Implementation,
Government of India,
New Delhi.
2. Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi.
3. Shri Arvind Mukherjee,
Under Secretary (Vigilance),
Ministry of Home Affairs,
North Block, New Delhi.

... Respondents

(By Advocate : Mr. Gyanendra Singh)

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant is working as Section Officer (SO) in the Ministry of Statistics and Programme Implementation. He was placed under suspension through order dated 03.09.2015, pending departmental enquiry and it is being extended from time to time. He filed this OA with a prayer to set aside the order of suspension dated 28.06.2015 as extended from time to time.

2. The applicant contends that there was absolutely no basis for the respondents to place him under suspension, much less to continue the same, for such a long time.

3. The respondents filed a detailed counter affidavit. It is stated that certain irregularities were noticed, referable to the period when the applicant was working in Foreigners Division in the Ministry of Home Affairs and accordingly, he was placed under suspension. It is also stated that a charge memo was issued to the applicant on 09.05.2013 and thought the Inquiry officer held the charges as 'not proved', the Disciplinary Authority ordered fresh inquiry and the suspension was continued. The respondents contend that when the report was forwarded to the UPSC for its advice on the tentative punishment, and the UPSC took exception to the manner in which the issue was dealt with. The matter is said to be taken



to DOP&T and thereafter, to the Ministry of Law. It is also stated that the UPSC was approached once again in view of certain developments for its advice on the revised tentative punishment. The suspension is said to have been continued in view of these developments.

4. We heard Mr. Vishwendra Verma, learned counsel for the applicant and Mr. Gyandendra Singh, learned counsel for the respondents.

5. The applicant was placed under suspension way back on 23.09.2015. By now, it is almost six years. Even in cases where very serious charges are pending, a Government Servant is not continued under suspension for such a long time. However, the facts mentioned in the counter affidavit indicate that the applicant is made to suffer, in the middle of the conflicting views among as many as four departments i.e. Ministry of Home Affairs, UPSC, DOP&T and the Ministry of Law. At the end of the day, the allegation against the applicant is that he has demanded and accepted a sum of Rs. 10,000/- from a person who sought VISA. It needs to be noted that in the first round of inquiry, charge was held not proved. Suspension for such a long period is more severe in its impact than that of actual punishment, which can be imposed, even if the charge is held proved.



6. We are of the view that the applicant cannot be continued under suspension any longer. Even while the respondents are required to conclude the disciplinary proceedings as early as possible.

7. We, therefore, allow the OA and set aside the suspension of the applicant. The applicant shall be reinstated into service, forthwith. The manner in which the period of suspension is to be treated, shall be decided by the disciplinary authority, in the ongoing proceedings. The disciplinary proceedings shall be concluded within a period of three months from the date of receipt of copy of this order. Pending MA shall stand disposed of. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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