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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK**

Original Application No. 260/00915 of 2015  
Cuttack, this the 22<sup>nd</sup> day of December, 2015

**CORAM**  
**HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)**  
**HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)**

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Sujit Kumar Behera,  
aged about 42 years, S/o Lala Behera,  
Presently working as Senior Statistical Officer (now reverted as JSO),  
National Sample Survey Office,  
Field Operation Division (NSSO, FOD),  
Regional Office, Sambalpur, (Under Suspension)  
Residing at- Laxminarayan Lane, PO/Dist. Sambalpur.

...Applicant

(Advocates: M/s. D.K.Mohanty, S.Nayak )

**VERSUS**

Union of India represented through its

1. Secretary,  
Ministry of Statistics & Programme Implementation,  
Subordinate Statistical Service Division,  
Sardar Patel Bhawan, Sansad Marg, New Delhi-110001.
  
2. Director,  
National Sample Survey Office,  
(Field Operation Division)  
161, Sen Park Lane, Nayapara,  
Sambalpur- 768001.

... Respondents

(Advocate: Mr. M.R.Mohanty )

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## ORDER (ORAL)

### A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. D.K.Mohanty, Ld. Counsel for the Applicant, and Mr. M.R.Mohanty, Ld. ACGSC appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:

“....to call for and peruse the records/files relating to suspension and review of the order of suspension of the applicant and on kind perusal of the record, if this Hon’ble Tribunal satisfies that the assertion of the applicant that there having no review within the period provided in the statute, is correct, then hold the order of suspension is non-est in the eye of law & quash the order of deemed suspensions under Annexure-A/2, A/3,A/5 & A/7;

And further be pleased to direct that the applicant is deemed to have been continuing in service from the date of the order of suspension became invalid/non-est and is entitled to his full salary or enhance his subsistence allowance.

And further .....

3. It has been stated that the applicant ventilating his grievance made a representation vide Annexure-A/8 dated 26.10.2015 before Respondent No.1 but till date no response has been received by him.

3. In view of the aforesaid fact that the representation of the applicant is stated to be pending before Respondent No.1, without going into the merit of the matter, we dispose of this O.A. with direction to the Respondent No.1 to dispose of the representation under Annexure-A/8 as per rules and regulations in force, if the same is still pending, and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order and if after such consideration the applicant is found to be entitled to the relief



claimed by him then expeditious steps be taken within a further period of two months to extend the subsistence allowance to the applicant from the date of completion of three month of suspension period. It is made clear that we have not gone into the merit of this matter and the points raised in the representation are kept open for Respondent No.1 to consider the same as per rules and regulations in force.

4. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

5. On the prayer made by Mr. Mohanty, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 1 and 2 by Speed Post for which he undertakes to file the postal requisites within a week.

6.  Free copy of this order be made over to Mr. M.R.Mohanty.

  
(R.C.MISRA)  
MEMBER(Admn.)

  
(A.K.PATNAIK)  
MEMBER(Judl.)

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