

**Central Administrative Tribunal
Principal Bench**

OA No.915/2018

New Delhi this the 2nd day of April, 2018

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Navneet Kumar, DOB: 15.06.1986
Age 31 years, S/o late Jai Narayan Sharma
R/o Kendriya Vihar, Phase-II
Flat No.303, 3rd Floor, Block-D4
169, Shakti Garh Birati
Kolkata-700051, Working as Deputy
Commissioner(Under Suspension)
Office of Chief Commissioner of GST & Central Excise
Kolkata, Cadre Controlling Authority
180, Rajdanga, Shanti Palli
Kolkata. ... Applicant
(By Advocate: Shri R.N. Singh)

Versus

1. Union of India, Ministry of Finance
Department of Revenue
North Block, New Delhi-110001.
(through: The Secretary)
2. The Chairman, Central Board of Excise & Customs
North Block, New Delhi-110001.
3. The Chief Commissioner of GST & Central Excise
Kolkata, Cadre Controlling Authority
180, Rajdanga, Shanti Palli
Kolkata. ... Respondents
(By Advocate: Shri Rajeev Kumar)

ORDER (ORAL)

Justice Permod Kohli:

Despite opportunities, reply has not been filed. Shri R.N. Singh, learned counsel appearing for the applicant submits that the controversy is squarely covered by judgment of the Hon'ble Apex Court in **A.K. Chaudhary v. UOI** [2015 AIR (SC) 2389] as also the

Order passed by this Tribunal in OA No.4159/2017 dated 21.11.2017.

2. Heard the learned counsel for the parties. The applicant is aggrieved of his continuous suspension beyond 90 days without serving the charge sheet. The applicant was placed under suspension vide order dated 17.06.2017 (Annexure A-1) in contemplation of the departmental proceedings without mentioning the period of suspension. The said suspension was further continued vide order dated 13.09.2017(Annexure A-2) for a further period of 180 days on the recommendations of the Review Committee. Admittedly, till date no charge sheet has been issued. Considering the ratio of the judgment in **Ajay Kumar Choudhary's** case(supra), this Tribunal passed the following directions in OA No.4159/2017 vide its Order dated 21.12.2017:-

"4. This OA is accordingly allowed. The impugned orders for extension of the suspension of the applicant (Annexure A-2 to A-4)are hereby set aside. The applicant shall be treated to be in service after expiry of 90 days. Insofar as the initial period of 90 days is concerned, the respondents will take decision in accordance with law under Fundamental Rule 54-B. The applicant will be entitled to the salary after the expiry of 90 days of initial suspension. The respondents are directed to implement the above directions within a period of two months from the date of receipt of a certified copy of this order. No costs."

3. The present OA is disposed of in terms of the aforesaid judgments.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

/vb/