

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

O.A No.1918/2016

New Delhi this the 31st day of May, 2016

Hon'ble Mr. Justice M. S. Sullar, Member (J)

Hon'ble Mr. V.N. Gaur, Member (A)

Jai Kishan, FSO (U/s)
S/o Late Shri Amar Singh
Aged 59 years,
R/o C-751. DDA LIG Flats,
East Loni Road,
Shahdara,
Delhi-110093.

....Applicant

(Argued by: Shri P.C. Mishra, Advocate)

Versus

1. Lt. Governor of Delhi
Through
Principal Secretary to LG,
LG Secretariat, Raj Niwas Marg,
Delhi-11054.
2. Chief Secretary,
Govt. of NCT Delhi,
5th Level, Delhi Secretariat, I.P. Estate,
New Delhi.
3. Commissioner of Food Supplies & Consumer Affairs,
K-Block,
Vikas Bhawan,
I.P. Estate,
New Delhi-110002.
4. Principal Secretary,
Vigilance,
Govt. of NCT of Delhi,
Delhi Secretariat,
New Delhi-110002.
5. Principal Secretary, Services,
Govt. of NCT of Delhi,
Delhi Secretariat,
New Delhi-110002.

..Respondents

ORDER (ORAL)**Justice M.S. Sullar, Member (J)**

The contour of the facts and material, which needs a necessary mention for the limited purpose of deciding the instant Original Application (OA), filed by the applicant, Jai Kishan, is that, in contemplation of a Departmental Enquiry (DE), and in exercise of the power conferred by sub-rule (1) of Rule 10 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 [hereinafter to be referred as “CCS(CCA) Rules”], the applicant was placed under suspension with immediate effect vide impugned order dated 25.08.2015 (Annexure-I) passed by Chief Secretary, Delhi, Disciplinary Authority (DA). The suspension was subsequently reviewed and extended for a period of 180 days, within a stipulated time vide order dated 20.11.2015 (Annexure-2).

2. Aggrieved thereby, the appeal filed by applicant was dismissed by Appellate Authority (Lt. Governor, Delhi) vide impugned order dated 25.04.2016 (Annexure 1-A).

3. Thereafter, in the wake of recommendation of Suspension Review Committee dated 06.05.2016, the DA has again extended the suspension period of the applicant for a further period of 180 days with effect from 20.05.2016 or till further orders, whichever is earlier, by means of impugned order dated 12.05.2016 (Annexure-1B).

4. Ex-facie, the main argument of learned counsel that since impugned orders are non-speaking orders and cannot legally be sustained, is neither tenable nor the ratio of law laid down by Hon'ble Apex Court in the case of ***Ajay Kumar Choudhary Vs. U.O.I. through its Secretary and Another (2015) 7 SCC 291***, is at all applicable to the facts of the present case.

5. Having heard the learned counsel for the applicant, having gone through the record with his valuable help, we are of the firm view that there is no merit and the instant Original Application (OA) deserves to be dismissed, for the reasons mentioned hereinbelow.

6. As is evident from the record, that in contemplation of the preliminary enquiry, the applicant was placed under suspension vide order dated 25.08.2015 (Annexure-1), by the DA. The period of suspension was subsequently extended vide orders dated 20.11.2015 (Annexure-2) and 12.05.2016 (Annexure-1B) for a further period of 180 days with effect from 20.05.2016 or till further orders, whichever is earlier, within the stipulated period by the competent authorities.

7. Moreover, it is not a matter of dispute and also mentioned in the impugned order of the Lt. Governor, Delhi, dated 25.04.2016 (Annexure-1A) passed by the AA, that in the instant case charge memo dated 25.02.2016 has already been served to the applicant. The Lt. Governor, Delhi has

recorded valid reasons while rejecting the appeal of the applicant.

8. Therefore, once it is proved on record, that the charge memo has already been served on the applicant and the competent authorities have extended the period of his suspension vide indicated orders, within the stipulated periods, in that eventuality it cannot possibly be saith that the impugned orders are arbitrary and illegal, as urged on behalf of the applicant.

9. In the light of the aforesaid reasons, as there is no merit, therefore, the instant OA is dismissed at the admission stage itself. No costs.

(V.N. GAUR)
MEMBER (A)

(JUSTICE M.S. SULLAR)
MEMBER (J)

Rakesh