

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.3950/2015

and

R.A.No.45/2016 with MAs 623, 624, and 625 of 2016 in
O.A.No.3950/2015

Order Reserved on: 15.02.2016

Order pronounced on 03.03.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri Shekhar Agarwal, Member (A)

O.A.No.3950/2015:

Mr. Himanshu Ranjan, Age about 48 years

Post: Superintendant

S/o Late Sh. Ram Nath Lal,
R/o F-3, Customs Flats
Kaka Nagar
New Delhi – 110 003.

... Applicant

(By Advocate: Sh. A.K.Behera with Shri Aditya Dhar)

Versus

1. The Principal Commissioner of Central Excise
Central Excise Commissionerate Delhi-I
C.R.Building, I.P.Estate
New Delhi – 110 019.
2. New Delhi Municipal Council
Through its Chairman Sh. Naresh Kumar
Palika Kendra, Jai Singh Road
New Delhi – 110 001. ... Respondents

(By Advocate: Shri R.N.Singh with Shri Amit Sinha for R-1, Shri Rajneesh Vats for R-2)

R.A.No.45/2016 with MAs 623, 624 and 625 of 2016 in OA 3950/2015:

The Principal Commissioner of Central Excise
 Central Excise Commissionerate Delhi-I
 C.R. Building, I.P.Estate
 New Delhi – 110 019. .. Applicant/Respondent No.1 in OA.

(By Advocate: Sh. R.N.Singh)

Versus

1. Mr. Himanshu Ranjan, Age about 48 years
 Post: Superintendant
 S/o Late Sh. Ram Nath Lal,
 R/o F-3, Customs Flats
 Kaka Nagar
 New Delhi – 110 003. .. Respondent/Applicant in OA

2. New Delhi Municipal Council
 Through its Chairman Sh. Naresh Kumar
 Palika Kendra, Jai Singh Road
 New Delhi – 110 001. ... Respondent
 Respondent No.2 in O.A.

(By Advocate: Sh. A.K.Behera for R-1 and Sh. Rajneesh Vats for R-2)

O R D E R

By V. Ajay Kumar, Member (J):

The seminal facts of the case are that the applicant, while working as Superintendent of Customs and Central Excise, was sent on deputation as Deputy Director (Estate), Estate Department, New Delhi Municipal Council (NDMC), w.e.f. 20.12.2013. While the applicant was working as such in the New Delhi Municipal Council, the 2nd

Respondent vide Annexure A4 dated 29.06.2015 issued a Memo to the applicant, and the same reads as under:

"Director (Estate) has reported that there is deliberate delay in filing an application for review/clarification of order dated 21.04.2015 of the Hon'ble High Court in the matter: of M/s. C.J. International Hotels Limited V/s NDMC in CS (OS) No.610/2000. It has been reported that you have failed to act quickly in getting an appeal filed in the High Court and there is an inordinate delay in getting the affidavit prepared by you, in spite of the approval by the Competent Authority, i.e., the Chairman, NDMC on 08.05.2015.

You are required to explain as to why the application was not filed till 28.05.2015, where the case got hit by the time limitations. Preliminary inquiry conducted by the Director (Estate) reveals that file which was marked to you on 22.05.15 was kept in your almirah and you had proceeded on leave without approval and after serious attempts the file was obtained by the Director (Estate) on 28.05.15, and the case was processed by him for filing the appeal. It appears that filing of the appeal/review petition was not planned seriously. The Director (Estate), before proceeding on Ex-India Leave, had also sought clarifications as to why the review petition was not filed.

This act on your part is a gross misconduct, negligence and unbecoming of a Government Servant as the delay caused in filing the appeal/review is contrary to the interest of the Council resulting into recurring financial losses to NDMC."

2. The applicant vide Annexure A5, while denying the allegations, submitted a detailed reply to the said Memo. Thereafter, he was placed under suspension vide impugned Annexure A1 Office Order dated 28.05.2015 of the NDMC, pending contemplation of disciplinary proceedings. The said suspension was extended for a further period of 180 days vide Office Order dated 08.07.2015 of the NDMC. The NDMC, vide Annexure A6 order dated 28.07.2015, repatriated the applicant, who is under suspension, to his parent Department, i.e., Customs and Central Excise.

3. Questioning the legality and validity of the impugned Office Order bearing No.51/PB/Vig/IMP/IOV-III dated 28.05.2015 (Annexure

A1) in placing the applicant under suspension and Office Order No.61/PB/Vig/IMP/IOV-III/15 dated 08.07.2015 (Annexure A2) in extending the period of suspension of the applicant for another 180 days, this OA has been filed.

4. This Tribunal by its order dated 23.11.2015, after hearing both sides, and by following the decision of the Hon'ble Apex Court in **Ajay Kumar Chaudhary v. Union of India & Others**, (2015) 2 SCALE 432, stayed the impugned orders dated 28.05.2015 and 08.07.2015 and directed the 1st Respondent to reinstate the applicant into service. However, the respondents filed Review Application No.45/2016 seeking review of the said interim order.

5. The learned counsel for the applicant though questioned the competency of the authority which passed the suspension order but at the time of arguments, restricted his contentions to the following:

- i) Constitution of the Committee for reviewing the suspension of the applicant is not in accordance with the Rules and DoPT OM No.110-12/4/2003-Estt.(A) dated 07.01.2004 and, hence, the Annexure A2 - Order extending the suspension of the applicant is liable to be quashed.
- ii) Though the applicant was placed under suspension on 28.05.2015 and though the same was extended for a further period of 180 days, by order dated 08.07.2015, but till date no memorandum of charges is issued. Since

no memorandum of charges is issued to the applicant within three months from the date of placing the applicant under suspension, the said suspension order is liable to be quashed as per the decision of the Hon'ble Apex Court in **Ajay Kumar Chaudhary v. Union of India and Others**, (2015) 2 SCALE 432.

- iii) The learned counsel also placed reliance on a Coordinate Bench Judgement of this Tribunal in OA No.3200/2015 (**Bishan Lal v. Govt. of NCTD & Others**) dated 14.09.2015 (Annexure P11), in support of his contentions.

6. Per contra, the learned counsel for the respondents while denying the OA averments, would contend as under:

- i) The OA is liable to be dismissed on the ground of non-joinder of necessary parties, i.e., Union of India and the Central Board of Customs and Excise.
- ii) Annexure A10, DoPT OM No.F.No.11012/17/2013-Estt.(A) dated 03.07.2015 is not mandatory and only directory and, hence, even if there is an infringement of the same, that does not vitiate the suspension order passed under statutory power.
- iii) The decision of the Hon'ble Apex Court in **Ajay Kumar Chaudhary** (supra) and the decision of this Tribunal in **Bishan Lal** (supra) have no application to the facts of this case.

iv) The learned counsel placed reliance on the following decisions:

- a) **Dr. Bela Shah v. Indian Council of Medical Research & Anr.**, OA No.3984/2013, decided on 12.01.2016 by CAT, Principal Bench, New Delhi.
- b) **S.K.Srivastava v. Union of India & Ors.**, W.P.(Civil) No.482/2008, decided on 26.03.2009 by Hon'ble High Court of Delhi.
- c) State of Orissa through its Principal Secretary, Home Dept. V. **Bimal Kumar Mohanty**, (1994) 4 SCC 126.
- d) Union of India v. **Rajiv Kumar**, (2003) 6 SCC 516.
- e) **Ekta Shakti Foundation v. Govt. of NCT of Delhi**, AIR 2006 SC 2609.

7. Heard Shri Sandeep Bist, Shri Aditya Dhar and Shri A.K.Behera learned counsel for the applicant, and Shri R.N.Singh, the learned counsel for Respondent No.1 and Shri Rajnish Vats, the learned counsel for Respondent No.2, and perused the pleadings on record.

8. In **Ajay Kumar Chaudhary** (supra), the appellant, a defence Estate Officer, assailed his suspension which was effected on 30.09.2011 and had been extended and continued. In connection with certain omissions and commissions of the appellant, vide letter dated 25.01.2011, he was asked to give his explanation and the appellant submitted his reply thereto, admitting his mistake but denying any mala fides. In this background, he was placed under suspension by order dated 30.09.2011. On 28.12.2011, the appellant's suspension was extended for the first time for a further period of 180 days, and later, it was extended again, for another period of 180 days, w.e.f.

26.06.2012. The third extension was ordered on 21.12.2012, but for a period of 90 days and the fourth extension for yet another period of 90 days w.e.f. 22.03.2013. On approaching the Chandigarh Bench of this Tribunal by the appellant, a partial relief was granted on 22.05.2013 by opining that no employee can be indefinitely suspended and the disciplinary proceedings have to be concluded within a reasonable period, and it was also directed that if no charge memo was issued to the appellant before the expiry on 21.06.2013, the appellant would be reinstated in service, and if it decided to conduct an inquiry, the same had to be concluded in a time bound manner. The Writ Petition filed by the respondents therein was allowed by the Hon'ble Delhi High Court, vide its order dated 04.09.2013, wherein the respondents were also directed to pass appropriate orders "as to whether it wishes to continue with the suspension or not having regard to all the relevant factors, including the report of the CBI, if any, it might have received and the said exercise shall be completed as early as possible and within two weeks.

The Hon'ble Apex Court, after considering its various decisions, held as under:

"13. It will be useful to recall that prior to 1973 an accused could be detained for continuous and consecutive periods of 15 days, albeit, after judicial scrutiny and supervision. The Cr.P.C. of 1973 contains a new proviso which has the effect of circumscribing the power of the Magistrate to authorise detention of an accused person beyond period of 90 days where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than 10 years, and beyond a period of 60 days where the investigation relates to any other offence. Drawing support from the observations contained of the Division Bench in *Raghbir Singh vs. State of Bihar*, 1986 (4) SCC 481, and more so of the Constitution Bench in *Antulay*, we are spurred to extrapolate the quintessence of the proviso of Section

167(2) of the Cr.P.C. 1973 to moderate Suspension Orders in cases of departmental/disciplinary inquiries also. It seems to us that if Parliament considered it necessary that a person be released from incarceration after the expiry of 90 days even though accused of commission of the most heinous crimes, a fortiori suspension should not be continued after the expiry of the similar period especially when a Memorandum of Charges/Chargesheet has not been served on the suspended person. It is true that the proviso to Section 167(2) Cr.P.C. postulates personal freedom, but respect and preservation of human dignity as well as the right to a speedy trial should also be placed on the same pedestal.

14. We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.

15. So far as the facts of the present case are concerned, the Appellant has now been served with a Chargesheet, and, therefore, these directions may not be relevant to him any longer. However, if the Appellant is so advised he may challenge his continued suspension in any manner known to law, and this action of the Respondents will be subject to judicial review.

16. The Appeal is disposed of in the above terms and we desist from imposing costs."

9. The Ministry of Personnel, Public Grievances & Pensions, keeping in view the Judgement of the Hon'ble Apex Court in **Ajay Kumar Chaudhary** (supra), issued instructions vide its OM dated 03.07.2015, in terms of the said Judgement.

10. In **Bishan Lal** (supra), the applicant, Principal of Dr. Rajendra Prasad Government Sarodyay Vidhyalaya, President's Estate, New Delhi, was placed under suspension on 15.04.2015 under sub-rule 1 of Rule 10 of the CCS (CCA) Rules, 1965, and the same was extended by order dated 13.07.2015 for a further 180 days w.e.f. 14.07.2015 or till further orders, whichever is earlier, on the basis of suspension review committee decision. This Tribunal, considering the OM dated 03.07.2015, and the decision of the Hon'ble Apex Court in **Ajay Kumar Chaudhary** (supra), held as under:

"6. In view of the aforesaid discussion and since no charge-sheet has been issued within 90 days of the placing the applicant under suspensions, we direct the respondents to reinstate the applicant in service by revoking the order of suspension. It is, however, open to the respondent authority to transfer the applicant to any other place in case the respondents are of the opinion that his continuance in the aforesaid school may hamper the disciplinary proceedings to be initiated by issuing a charge-memo.

7. The OA is accordingly allowed. No cost."

11. The contention of the respondents that the OA is liable to be dismissed for non-rejoinder of Union of India and the Central Board of Customs and Excise, is unsustainable as both the impugned orders were passed by the 2nd Respondent-NDMC, and the applicant was thereafter repatriated to the 1st Respondent.

12. In **Bimal Kumar Mohanty** (supra), while the respondent was working as Manager of Orissa State Guest House at Bhubneshwar, the Government Audit Department audited the account for the periods from 1984-85 to 1990-91 and noted serious financial irregularities, fabrication of records and vouchers and misappropriation to the tune of

Rs. 163.59 lakhs. It suggested further probe into certain items of expenditure which according to the Audit Report are highly suspicious and dubious in nature. The respondent was transferred on January 14, 1993 to the Secretariat and was kept in charge of Recovery Cell. Thereafter certain other financial irregularities relating to purchase of woollen carpets etc. apart from suppression of audit objections had come to light. There were audit reports for the years 1978-79 to 1980-81 also which appear to have pointed out similar objections. The appointing authority considered the record and found necessary to take disciplinary proceedings for those financial irregularities and misappropriation committed during that period and action was in contemplation against respondent. On March 17, 1993 they passed an order directing an enquiry into the irregularities and also decided to keep him under suspension pending further action. Anticipating this action, the respondent attempted to pre-empt it and laid O.A. No. 396 of 1993 in the State Administrative Tribunal, Bhubneshwar and prayed to quash Government Memorandums dated 14-1-1993 and 11-2-1993 and also filed an application for ad interim injunction. Hardly the ink on the order of suspension dried on the paper, the Tribunal on the same day, namely, March 17, 1993 directed not to suspend the respondent and also directed the standing counsel to obtain instructions of the need to suspend the respondent. Subsequently, the appellant received information that the respondent was in possession of disproportionate assets to the known lawful sources and directed the vigilance to conduct an investigation. On Sept. 3, 1993, the vigilance conducted a

raid on the house of the respondent and found him to be in possession of disproportionate assets to the tune of Rs. 11.44 lakhs. Accordingly, the crime was registered in Crime No. 46 under Section 3(2) read with Section 13(l) of the Prevention of Corruption Act, 1948 and further investigation was on. On consideration of the material, the Government by order dated Sept. 28, 1993 suspended the respondent from service. It was an independent cause of action which has nothing to do with first order and there is no need to obtain any prior permission from the Tribunal and the rules do not require to obtain such a permission. It is the case of the appellant that yet it sought permission from the Tribunal but no order was made. It sought to serve the order of suspension on the respondent on Sept. 28, 1993 and Sept. 29, 1993; but the respondent avoided the receipt of it. So it was sent by registered post to the residential address, as well as personally served on the respondent by the under Secretary at 4.00 p.m. on Sept. 30, 1993, Immediately, the Tribunal suspended the order on the same day, namely, on Sept. 30, 1993 in M.P. No. 2493/93 (arising out of O.A. No. 1594/93) and obviously after 4 p.m. In the first order, though the Tribunal directed to obtain prior permission before passing any suspension order and despite filing of application for permission, without disposing of the same, the matter was being adjourned from time to time and ultimately the cases were posted for final disposal. Thus, the appeals by special leave.

The Apex Court observed as under:

"5. We have given our anxious and serious consideration to the respective contentions. True, normally, this Court would not interdict the exercise of the power to pass interim orders by the Courts or tribunals, obviously, with the expectation that they exercise the discretionary power with circumspection after weighing pros and cons to subserve the ultimate result of the pending adjudication. The question is whether this is a fit case where the Tribunal itself should have interdicted the orders of suspension when the appointing authority contemplated disciplinary proceedings or pending investigation into the crime."

XXXXXXXXXXXXXXXX

12. It is thus settled law that normally when an appointed authority or the disciplinary authority seeks to suspend an employee, pending inquiry or contemplated inquiry or pending investigation into grave charges of misconduct or defalcation of funds or serious acts of omission and commission the order of suspension would be passed after taking into consideration the gravity of the misconduct sought to be inquired into or investigated and the nature of the evidence placed before the appointing authority and on application of the mind by disciplinary authority. Appointing authority or disciplinary authority should consider the above aspects and decide whether it is expedient to keep an employee under suspension pending aforesaid action. It would not be as an administrative routine or an automatic order to suspend an employee. It should be on consideration of the gravity of the alleged misconduct or the nature of the allegations imputed to the delinquent employee. The Court or the Tribunal must consider each case on its own facts and no general law could be laid down in that behalf. Suspension is not a punishment but is only one of forbidding or disabling an employee to discharge the duties of office or post held by him. In other words it is to refrain him to avail further opportunity to perpetrate the alleged misconduct or to remove the impression among the members of service that dereliction of duty would pay fruits and the offending employee could get away even pending enquiry without any impediment or to prevent an opportunity to the delinquent officer to scuttle the enquiry or investigation or to win over the witnesses or the delinquent having had the opportunity in office to impede the progress of the investigation or enquiry etc. But as stated earlier, each case must be considered depending on the nature of the allegations, gravity of the situation and the indelible impact it creates on the service for the continuance of the delinquent employee in service pending enquiry or contemplated enquiry or investigation would be another thing if the action is by mala fides, arbitrary or for ulterior purpose. The suspension must be a step in aid to the ultimate result. The authority also in mind a public interest of the impact of the delinquent's continuance in office while facing departmental enquiry or trial of a criminal charge.

13. On the facts in this case we are of the considered view that since serious allegations of misconduct have been alleged against the respondent, the Tribunal was quite unjustified in interfering with the orders of suspension of the respondent pending enquiry. The

Tribunal appears to have proceeded in haste in passing the impugned orders even before the ink is dried on the orders passed by the appointing authority. The contention of the respondent, therefore, that the discretion exercised by the Tribunal should not be Interfered with and this court would be loath to interfere with the exercise of such discretionary power cannot be given acceptance.

14. In the light of the above, we are of the considered view that it is a fit case for interference. However, it is made clear that we have not expressed any opinion on merits. The entire matter has yet to be investigated into and proceeded on the legal evidence and according to law. The appeals are accordingly allowed and the orders of the Tribunal are set aside, but in the circumstances without costs."

Therefore, in the peculiar circumstances of the case, i.e., the way the Tribunal interfered with the administrative orders with such a haste, the Hon'ble Apex Court passed the aforesaid orders. Non-issuing of charge sheet within 90 days from suspension and its consequence was not the issue before the Hon'ble Apex Court, in this case.

13. In **Rajiv Kumar** (supra), the undisputed factual scenario is that the respondent-employee in each case was arrested and detained in custody for a period exceeding 48 hours. With reference to Sub-Rule (2) of Rule 10, the order was passed in each case indicating that in view of the detention in custody for a period exceeding 48 hours, the concerned employee is deemed to have been suspended with effect from the date of suspension and shall remain suspended until further orders. While dealing with Rule 10(2) of the CCS (CCA) Rules, pertaining to deemed suspension, which is not relevant for the purpose of the present case, the Hon'ble Apex Court at para No.29 observed as under:

"25. Another plea raised relates to a suspension for a very long period. It is submitted that the same renders the

suspension invalid. The plea is clearly untenable. The period of suspension should not be unnecessarily prolonged but if plausible reasons exist and the authorities feel that the suspension needs to be continued, merely because it is for a long period that does not invalidate the suspension."

Since, in the present case suspension was made under Rule 10(1), for which the circumstances are altogether different, this decision does not apply.

14. In **Ekta Shakti Foundation** (supra), the legality of certain terms in inviting offers for implementation of the Scheme, called the "Detailed Scheme for Capacity of Building Self Helps Groups to Prepare and Supply Supplementary Nutrition under the Integrated Child Development Service Programme, was questioned. Hence, the same has no application to the facts of the present case. However, there is no cavil with the principle reiterated in the said decision about the scope of judicial inquiry by a Court with regard to the administrative decisions of the Government, for which the learned counsel for the respondents placed reliance on this Judgement.

15. In **S. K. Srivastava** (supra), when the Tribunal though set aside the review of the suspension of the petitioner, after coming to the conclusion that the respondents had not considered the case of continued suspension appropriately and on relevant facts, but granted permission to the respondents to hold review committee meeting to review the suspension of the petitioner, he filed the Writ Petition. The Hon'ble High Court observed that the intention of the Tribunal while giving directions was to give liberty to the respondents to pass fresh

orders and to decide as to whether petitioner is to be placed under suspension or not, and accordingly, modified the said direction. In the circumstances, this decision also has no help to the respondents.

16. In **Dr. Bela Shah** (supra), while the applicant was working as Scientist 'G' in Indian Council of Medical Research, a charge sheet was filed by CBI, in a criminal case before the Special Judge, Anti Corruption, Ghaziabad, under the provisions of Prevention of Corruption Act, 1988. On receipt of intimation that the applicant was detained in judicial custody, beyond 48 hours, the competent authority under Rule 10(2) of the CCS (CCA) Rules, 1965, placed him under deemed suspension, until further orders. Even after the applicant was released on bail, and when the suspension review committee extended the period of suspension of the applicant, he questioned the said action by filing the OA whereunder, he relied on the Judgement of the Hon'ble Apex Court in **Ajay Kumar Chaudhary** (supra) also in support of his case. A Coordinate Bench of this Tribunal, while holding that the facts in Ajay Kumar Chaudhary are different, as the suspension in the said case was in contemplation of a departmental inquiry whereas the suspension of Dr. Bela Shah was due to continuation in judicial custody beyond 48 hours, dismissed the said OA. Since in the present case, the suspension was not made under Rule 10(2) of the CCS (CCA) Rules ibid, this decision has no application to the present case.

17. The admitted facts are that the applicant was placed under suspension on 28.05.2015 by NDMC, i.e., 2nd Respondent, wherein he was working on deputation, as on the said date. The same was extended for a further period of 180 days on 08.07.2015 by the 2nd Respondent, and on 28.07.2015, the applicant was repatriated to his parent department, i.e., 1st Respondent. That no chargesheet is issued to the applicant till date. Further, the period of 90 days has been expired even from the date of repatriation of the applicant to his parent department, i.e., the 1st Respondent.

18. When allegations of serious nature are received against a Government servant and it is decided to initiate inquiries into such allegations, pending such an inquiry the officer concerned can be suspended as a first step even before any charges are framed against him. The suspension pending inquiry is a safeguard against the Government servant interfering with and hampering the investigation and tampering with material evidence, oral and documentary. The Memo. dated 29.06.2015 issued to the applicant before placing him under suspension indicates that the only allegation, at that stage, levelled against the applicant is his failure to act quickly in getting an appeal/review filed in the High Court, on behalf of the 2nd Respondent-NDMC in which he was on deputation. The applicant was already repatriated from the 2nd Respondent-NDMC to the 1st Respondent on 28.07.2015 itself. Though more than three months have elapsed even from his date of repatriation to his parent

Department, i.e., the 1st Respondent, no chargesheet has been issued till date, and in view of the Judgement of the Hon'ble Apex Court in **Ajay Kumar Chaudhary** (supra), the suspension of the applicant cannot be extended further.

19. In the backdrop of the aforesaid facts and law, the respondents are directed to revoke the suspension against the applicant and to reinstate him in service forthwith in his parent department, since already repatriated. However, this order shall not prevent the respondents from proceeding against the applicant departmentally, if the circumstances still warrant the same, and to treat the suspension period, in accordance with the rules and law. The OA is accordingly allowed. No order as to costs.

R.A.No.45/2016 with MAs 623, 624 and 625 of 2016 in OA 3950/2015:

20. In view of the disposal of the main OA, the Review Application and MAs filed therein, against the interim orders of this Tribunal dated 23.11.2015, are also accordingly disposed of. No costs.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

/nsnrvak/