

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

O.A No. 4068/2017

New Delhi, this the 24th day of November, 2017

**Hon'ble Mrs. Jasmine Ahmed, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)**

Mr. Pradeep Kumar Yadav,
Aged : 42 years,
(Cashier-LDC),
G-874, Ram Park Extension, Loni,
Ghaziabad, U.P.Applicant

(By Advocate : Mr. Manish Kumar)

Versus

1. Union of India,
Through its Secretary,
Ministry of Micro, Small & Medium Enterprises,
Government of India,
Khadi Gram Udyog Bhavan,
24, Regal Building, Connaught Circus,
New Delhi.
2. The Chairman,
Khadi & Village Industries Commission,
Ministry of Micro, Small & Medium Enterprises
Government of India,
Khadi Gram Udyog Bhavan,
24, Regal Building, Connaught Circus,
New Delhi.
3. The Deputy Chief Executive Officer (Admin & HR)
Khadi & Village Industries Commission
Ministry of Micro, Small & Medium Enterprises
3, Irla Road, Vile Parle West,
Mumbai – 400 056.Respondents

(By Advocate : Mr. Ranjan Tyagi)

ORDER (ORAL)

Mrs. Jasmine Ahmed, Member (J)

The brief facts and matrix of the case is that the applicant was appointed as LDC with the respondents in November, 1994

and discharging his duties as LDC at K. G. Bhavan, New Delhi. The applicant has been placed under suspension vide suspension order No. ADM I/ORW/3(1023)Conf/2017-18 dated 04.05.2017. It is the contention of counsel for the applicant that applicant has completed 90 days of his suspension period on 03.08.2017 and continued on suspension beyond 90 days, which is in violation of the Hon'ble Apex Court order and therefore, he prays that the suspension order must be revoked. It is also contended by counsel for the applicant that respondents are also discriminating with him as they themselves have revoked the suspension of A. K. Garg, (Deputy Director, Manager) and A. K. Gupta (Incharge Show Room) who were also placed under suspension on the same alleged incidence as of the applicant. Counsel for the applicant states that his case is clearly covered by the judgment passed by the Hon'ble Apex Court in the case of **Ajay Kumar Chaudhary Vs. Union of India**, (2015) 7 SCC 291, which categorically states that if the charge sheet is not issued within 90 days of suspension to the employee, then, in that situation, the suspension cannot continued for indefinite period.

2. On query, learned counsel for the respondents stated that charge sheet had already been issued to the applicant.

3. Heard the learned counsel for the parties and perused the documents on record. It is settled principle of law that if a person is placed under suspension, the suspension has to be

reviewed within 90 days from the date of suspension and the decision whatever of the review has to be communicated to the applicant also. In this case, the applicant was under suspension w.e.f. 04.05.2017, hence, review should have been done before 03.08.2017 but, the respondents have not reviewed the suspension period of the applicant instead issued a charge sheet on 10.11.2017 after around six months. In this regard, counsel for the applicant drew our attention to page 17 which is a representation dated 06.11.2017 wherein he has requested for revocation of his suspension as no review has been made by the review committee to extend his suspension period beyond initial 90 days.

4. As per the settled law by Hon'ble Apex Court in the case of **Ajay Kumar Chaudhary Vs. Union of India** (supra) and rule position, the suspension order dated 04.05.2017 in respect of the applicant cannot be sustained. Hence, the same is quashed and set aside.

5. The O.A is allowed accordingly. No costs.

(Uday Kumar Varma)
Member (A)

(Jasmine Ahmed)
Member (J)

/Mbt/