

**Central Administrative Tribunal
Principal Bench**CP No. 393/2018 in
OA No.915/2018This the 26th day of October, 2018***Hon'ble Mr. Justice L. Narasimha Reddy, Chairman***
Hon'ble Mr. Pradeep Kumar, 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.

... Applicants

(By Advocate: Sh. Amit Sinha)

Versus

1. Sh. Hasmukh Adhia,
Secretary, UOI, Ministry of Finance
Department of Revenue
North Block, New Delhi-110001.
2. Sh. S. Ramesh,
Chairman,
Central Board of Excise & Customs
North Block, New Delhi-110001.
3. Sh. R.K.Sharma,
Chief Commissioner of GST & Central Excise
Kolkata, Cadre Controlling Authority
180, Rajdanga, Shanti Palli
Kolkata.

... Respondents

(By Advocate: Sh. Piyush Gaur)

ORDER (ORAL)

By Justice L.Narasimha Reddy, Chairman

The applicant was placed under suspension pending disciplinary action. His suspension was extended beyond 90 days. Feeling aggrieved, that he filed OA No.915/2018, and it was allowed through order dated 02.04.2018, following the judgment of Hon'ble Supreme Court in **Ajay Kumar Choudhary vs. UOI** [2015 AIR (SC) 2389]. This CP is filed alleging that respondents did not reinstate the applicant despite the order in the OA.

2. Respondents have filed a counter affidavit opposing the OA. It is stated that in case the applicant is reinstated in service, he may influence the witnesses and tamper with the records.

3. Heard Sh. Amit Sinha, learned counsel for applicant and Sh. Piyush Gaur, learned counsel for respondents.

4. It is stated that respondents filed WP (C) No.7517/2018 before the Hon'ble Delhi High Court challenging the order passed in OA No.915/2018 and that the operation of the order in the OA has been stayed. This is, however, disputed by the learned counsel for applicant.

4. Be that as it may, once the writ petition is pending and the matter is seized by the Hon'ble High Court, it is not admissible for us to proceed with the present CP. We, therefore, close the CP and

leave it open to the applicant to work out his remedies depending on the adjudication, which the Hon'ble High Court may hand out. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L.Narasimha Reddy)
Chairman

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