

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.1674/2018

Friday, this the 27th day of April 2018

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

Avnish Bansal, DOB : 11.01.1983
Age 35 years s/o Sh. R C Bansal
Permanent r/o 917/9, Panchkula
Working as Deputy Commissioner (under suspension)
Group A, Office of Chief Commissioner of GST & Central
Excise, Delhi Zone, Central Revenue Building
I P Estate, New Delhi

..Applicant

(Mr. M.K. Bhardwaj, Advocate)

Versus

1. Union of India through its Secretary
Ministry of Finance, Department of Revenue
North Block, New Delhi
2. The Chairman
CBEC, North Block
New Delhi
3. The Chief Commissioner of GST & Central Excise
Delhi Zone, Central Revenue Building
IP Estate, New Delhi

..Respondents

(Mr. Rajeev Kumar, Advocate)

O R D E R (ORAL)

Mr. K.N. Shrivastava:

The applicant is a Deputy Commissioner of Customs. He was placed under suspension vide impugned Annexure A-1 order dated 23.11.2017. His suspension was extended for another 180 days vide Annexure A-2 order dated 20.02.2018. It is contended by Mr. M K Bhardwaj, learned counsel for applicant that no charge-sheet has been issued to the applicant within 90 days, and as such his continued suspension beyond that period is illegal in view of law laid down by the Hon'ble

Supreme Court in Ajay Kumar Choudhary v. Union of India through its Secretary & another, AIR 2015 SC 2389.

2. When this matter was taken up for consideration on 26.04.2018, Mr. Rajeev Kumar, learned counsel, who appeared on advance notice, was directed to seek instructions in the matter. He, however, has failed to report instructions. On the other hand, Mr. M K Bhardwaj, learned counsel for applicant insists that no charge-sheet has been issued to the applicant till day, let alone within 90 days. This contention of learned counsel for applicant has not been controverted by learned counsel for respondents. Under these circumstances, *prima facie*, we believe the contention of learned counsel for applicant.

3. In view of the foregoing, the O.A. is allowed. Impugned Annexure A-1 order dated 23.11.2017 is quashed and 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 F.R.54-B. The applicant will be entitled to the salary after the expiry of 90 days of initial suspension. This shall be done within a period of two months from the date of receipt of a copy of this order. This order will not come in the way of the respondents in issuing a charge-sheet to the applicant and proceed with the disciplinary inquiry proceedings, if they so desire.

(K.N. Shrivastava)
Member (A)

April 27, 2018
/sunil/

(Justice Dinesh Gupta)
Chairman