

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. OA 350/641/2016

Date of order : 23.2.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

BIPLOB ROY

S/o Late Satish Chandra Roy,
LDC, Ex Cashier, AIR. Msd.,
R/o Vill & PO – Nazirpur,
Dist. – Nadia, Pin – 741165,
Temporary resident of
B/4 AIR Staff Quarters Complex,
Banjetlia, Cossimbazar,
Raj Berhampore,
Murshidabad, Pin – 742102.

...APPLICANT

VERSUS

1. Union of India, through
The Secretary,
Ministry of Information & Broadcasting,
Parliament Street,
New Delhi – 1.
2. The Prasar Bharati,
Through the Chairman,
India's Public Service Broadcaster,
Parliament Street,
New Delhi – 1.
3. The Dy. Director Engineering,
Head of Office,
All India Radio,
Murshidabad,
PO & PS – Berhampore,
Dist. – Murshidabad,
Pin – 742101.

...RESPONDENTS.

For the applicant : Mr.A.Chakraborty, counsel

For the respondents: Ms. R.Basu, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.A.Chakraborty, 1d. Counsel appeared for the applicant and Ms. R.Basu, 1d. Counsel appeared for the respondents.

2. By making this OA the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) Office Order No. MSD-HOO/Confidential/2016/1073 issued by the respondent No.3 cannot stand in the eye of law on the ground that the suspension become invalid after expiry of 90 days from the date of suspension and therefore the same may be quashed and to allow the applicant to joint in duty.
- b) An order do issue directing the respondents to release subsistence allowance in favour of the applicant from 4.12.2015 since he was placed under suspension w.e.f. the said date.

3. The brief fact as narrated by the applicant is that presently he is working as Lower Division Clerk. Previously when he was working as Cashier he was put under suspension vide order dated 4.12.2015 for showing lack of devotion to duty. The applicant by his representation dated 15.3.2016 he has informed the respondent No.3 that since 90 days have expired from the date of order of suspension, he may be permitted to resume his duties. Vide office order dated 16.3.2016 issued by the respondent No.3 the applicant was informed that there is no ground to revoke the suspension order as allowing the applicant to join his duties would be detrimental to the interest of the departmental enquiry. Since no review has been made before 90 days the applicant has approached this Tribunal with a prayer to quash the letter dated 16.3.2016.

4. We have heard the 1d. Counsels for both parties and perused the pleadings and materials placed before us.

5.

Sub section 6,7,10 violated. Despite the order of this Tribunal dated 5.2.2018, the respondents failed to submit the minutes by which the review committee extended the suspension of the applicant as per the relevant provisions of the CCS (CCA) Rules as well as the records of suspension allowance being paid to the applicant.

It is submitted by the 1d. Counsel for the respondents that the gravity of the suspension order can be continued. However, we are not convinced with the submission made by the 1d. Counsel for the respondents as Section 10(6)(vii) has been violated.

In view of the decision of Apex Court in Dipak Mali suspension is revoked.

(DR. NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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