

**Central Administrative Tribunal
Madras Bench**

OA 310/01157/2018

Dated Wednesday the 28th day of November Two Thousand Eighteen

P R E S E N T

**Hon'ble Mrs. Jasmine Ahmed, Member (J)
&
Hon'ble Mr. R.Ramanujam, Member(A)**

R.Thinesh Kumar,
S/o A.N.Rengarajan,
No. 1.F, IOBOA,
Maduram Apartment,
Ganesh Nagar,
Sambakulam,
Mattuthavani, Madurai 625007.

.. Applicant

By Advocate **M/s. R. Malaichamy**

Vs.

- 1.Union of India,
rep by the Director General,
Vigilancne Branch,
Head Quarters' Office,
Employees' State Insurance Corporation,
Panchdeep Bhawan,
C.I.G. Road,
New Delhi 110002.
- 2.The Additional Commissioner (Vigilance),
Head Quarters' Office,
Employees' State Insurance Corporation,
Panchdeep Bhawan,
C.I.G. Road,
New Delhi 110002.

3.The Additional Commissioner & Regional Director,
Employees' State Insurance Corporation (ESIC),
Regional Office,
143, Sterling Road,
Chennai 600034.

.. Respondents

By Advocate **Mr. C.V.Ramachandramurthy**

ORAL ORDER

Pronounced by Hon'ble Mrs. Jasmine Ahmed, Member(J)

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“i. To call for the records of the 1st respondent pertaining to his order which is made in No. C-13/17/05/2017-Vig dated 01.11.2017 and the order of 2nd respondent made in No. C-13/17/07/2007-Vig dated 29.01.2018 and made in No. C-13/17/07/2007-Vig dated 25.07.2018 and set aside the same, consequent to,

ii. Direct the respondents 1 & 2 to reinstate the applicant into service and

iii. To pass such further or other orders as this Hon'ble Court may deem fit and proper.”

2. It is contended by the learned counsel for the applicant that the suspension order was issued by the respondents dated 01.11.2017 which was reviewed within time on 29.01.2018 and it was extended thereon. It is also contended by the counsel for the applicant that second review was taken place on 25.07.2018 which is after 6 months and states that it cannot be sustained as per the judgement passed by the Hon'ble Apex Court in the case of Ajay Kumar Choudhary Vs UOI in CA No. 1912/2015 as the review has to be commenced within three months. It is also contended that till date no charge sheet has been issued to the applicant.

3. Accordingly we feel that the suspension order cannot be sustained as per the Hon'ble Supreme Court judgement prevalent. Accordingly the suspension order dated 01.11.2017 is set aside. The applicant states that he has preferred a representation dated 09.08.2018 which has not been decided. We direct the respondents to decide the representation dated 09.08.2018 by passing a detailed order in accordance with law within a period of two months from the date of receipt of certified copy of this order.

4. OA is disposed of.

(R. Ramanujam)
Member (A)

28.11.2018

(Jasmine Ahmed)
Member(J)

AS