

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

O.A. No.3630 of 2015

This the 2nd day of January, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)

Asha Ram S/o Sh. Bepat Ram,
R/o G-447, Nauroji Nagar,
New Delhi-29.

....Applicant

(By Advocate : Shri Anilender Pandey)

VERSUS

Union of India through

1. The Secretary,
Ministry of Petroleum and Natural Gas,
Shastri Bhawan, New Delhi.
2. The Under Secretary, GOI
Ministry of Petroleum and Natural Gas,
Shastri Bhawan, New Delhi.

.....Respondents

(By Advocate : Shri Ashok Kumar)

ORDER (Oral)

Ms. Nita Chowdhury, Member (A):

Heard learned counsel for the parties.

2. By filing this OA, the applicant is seeking the following reliefs:-

- “(a) Directing the respondents to place the relevant records pertaining to the present O.A. before their Lordships for the proper adjudication in the matter in the interest of justice.
- (b) Directing the respondents to consider the finalize the case of the applicant for revocation of suspension immediately after declaring the

inaction of the respondents is contrary to the law laid down by the Hon'ble Supreme Court in case of Ajay Kumar Chaudhary vs. Union of India, Civil Appeal No.1912 of 2015 decided on dt. 16.02.15 and DOP&T instruction dt. 03.07.15 in accordance with the relevant rules and instructions on the subject.

- (c) Allowing the O.A. of the applicant with all other consequential benefits and cost.
- (d) Any other fit and proper relief may also be granted."

3. Brief facts of the case are that the applicant, who was working as Multi Tasking Staff (MTS) in the respondent's department, was placed under suspension vide order dated 20.2.2015, which reads as under:-

"Whereas Crime Branch, Delhi Police during the investigation of FIR 17/15 dated 18/02/2015 under Section 457/3801/468/471/120B/34 of Indian Penal Code have informed that Shri Asha Ram, S/o Shri Bepat Ram, presently working as Multi Tasking Staff in the Ministry of Petroleum & Natural Gas was arrested on 18th February, 2015 and in custody for a period exceeding forty eight hours.

NOW, THEREFORE, Shri Asha Ram, MTS is deemed to have been placed under suspension by an order of the competent Authority with effect from 18th February, 2015 in terms of clause 2 (a) of Rule 10 of CCS (CCA) Rules, 1965.

It is further ordered that during the period that this order shall remain in force the headquarters of Shri Asha Ram, MTS should be New Delhi and the said Shri Asha Ram, MTS shall not leave the Headquarters without obtaining the previous permission of the undersigned."

3.1 Subsequently, in continuation of the said order dated 20.2.2015, the respondents issued an order dated 9.4.2015

vide which he was granted the subsistence allowance of Rs.6,810/- plus dearness allowance as applicable w.e.f. 18.2.2015 i.e. the date of suspension, until further orders during the period of suspension.

3.2 On 30.5.2015, the applicant submitted his representation to the respondents and placed reliance on the judgment of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary vs. Union of India**, Civil Appeal No.1912 of 2015 decided on 16.2.2015, as the applicant was placed under suspension w.e.f. 18.2.2015 vide order dated 20.2.2015 and thereafter till date there is nothing neither in the criminal case nor any charge sheet have been served on the applicant in disciplinary proceedings.

4. The respondents filed their counter reply in which they have stated that the applicant has been put on suspension as a consequence of a raid conducted by the Crime Branch, Delhi Police at Shastri Bhawan on 17.2.2015. During the raid, the Police has also recovered illegal possession of official documents and duplicate keys of a few rooms of the Ministry with the two sons of Shri Asha Ram, namely, Shri Lalta Prasad and Shri Rakesh Kumar. Delhi Police registered an FIR under Section 457/380/418/420/468/471/474/411 34 r/w 120B of Indian Penal Code and arrested the applicant along with his two sons. Accordingly, as per the relevant CCS

(CCA) Rules, the applicant along with two other officials, were suspended on 20.2.2015. Later Delhi Police has also filed a charge-sheet in the Hon'ble Court of Chief Metropolitan Magistrate, Patiala House, Delhi on 17.4.2015. The matter, at present, is not only sub judice in the Hon'ble Court of Law but also under investigation by Crime Branch Delhi Police.

5. During the course of hearing, the main contention of learned counsel for the applicant is that in terms of the law laid down by the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary** (supra), the currency of suspension order should not be extended beyond three months if within this period the Memorandum of charges/charge sheet is not served on the delinquent officer/employee.

6. In view of the fact that the respondents have annexed the chargesheet with the counter reply, which was filed before the learned Court of Chief Metropolitan Magistrate, Patiala House, Delhi on 17.4.2015 and the applicant was placed under suspension w.e.f. 18.2.2015 and as such the chargesheet has been issued within three months and therefore, the reliance placed by the learned counsel for the applicant on the decision of the Apex Court in the case of **Ajay Kumar Choudhary** (supra) is not applicable to the facts of this case.

7. In view of the above facts and circumstances of the case, this Court does not find any ground to quash the impugned suspension order dated 20.2.2015. Accordingly, the present OA is dismissed being devoid of merit. However, the respondents are directed to consider the case of the applicant as per the DOP&T Office Memorandum No.11012/17/2013-Estt (A) dated 2.1.2014 and also OM No.F.No.11012/6/2007-Estt (A-III) dated 21.7.2016. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

/ravi/