

**Central Administrative Tribunal  
Principal Bench**

**OA No.1757/2019**

New Delhi, this the 30<sup>th</sup> day of May, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

Anil Kumar Yadav  
Aged about 51 years,  
S/o Shri Umashankar Yadav  
Controller of Explosives (Group A)  
Petroleum and Explosives Safety Organisation  
Department of Industrial Policy and Promotion  
Ministry of Commerce and Industry  
Postal Address: 1-C, Banda Bahadur Society Apartments,  
Sector-14, Rohini,  
Delhi 110 085. .... Applicant.

(By Advocate : Ms. Richa Ojha)

Vs.

Union of India  
Through Secretary  
Department of Industrial Policy and Promotion  
Ministry of Commerce and Industry  
Udyog Bhawa, New Delhi. .... Respondent.

(By Advocate : Shri Rohit Shekhawat for Shri Rajeev  
Kumar)

**: O R D E R (ORAL) :**

**Justice L. Narasimha Reddy, Chairman:**

The applicant is working as Controller of Explosives in the Ministry of Commerce and Industry. It appears that he was found accepting illegal gratification of Rs.1,50,000/-, and on that basis, the CBI arrested him on 23.01.2019. As a result thereof, the applicant was placed under

suspension, initially for a period of 90 days w.e.f. 23.01.2019. The same was extended through order dated 22.04.2019. The applicant challenges the said order.

2. It is pleaded that the suspension was without any basis and the so called recovery of the amount from him was not true at all. Another grievance of the applicant is about the quantum of subsistence allowance.

3. We heard Ms. Richa Ojha, learned counsel for the applicant and Shri Rohit Shekhawat for Shri Rajeev Kumar, learned counsel for the respondents.

4. The applicant was placed under suspension by the appointing authority in exercise of powers conferred under Rule 10 of CCS (CCA) Rules, 1965. The suspension was warranted on account of the arrest of the applicant by the CBI. The first extension was ordered on 22.04.2019. Matters of this nature are bound to take time. Unless the charge memo is issued by the disciplinary authority or the charge sheet is filed in the criminal case, it would not be possible for the respondents to reinstate the applicant. As of now, we do not find any basis to interfere with the order of suspension as extended on 22.04.2019. However, the respondents shall ensure that the applicant is paid subsistence allowance in accordance with the rules.

5. The OA is accordingly disposed of. There shall be no order as to costs.

**(Aradhana Johri)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/pj/