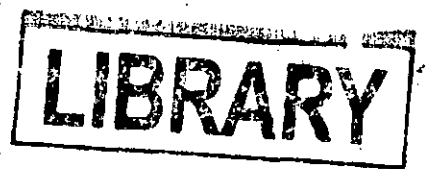


CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH



No. OA 350/01411/2015

Date of order : 24.9.2015

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Mr. R. Bandyopadhyay, Administrative Member

PRADUMNA @ ALAKH NARAYAN BHARATI

VS

UNION OF INDIA & ORS. (E.RLY.)

For the applicant : Mr.K.Sarkar, counsel

For the respondents : Mr.S.K.Das, counsel

O R D E R

This application has been filed seeking the following reliefs :

- i) to issue direction upon the respondents to cancel, withdraw and/or rescind the impugned order of suspension dated 22.5.15 forthwith;
- ii) to issue further direction upon the respondents to pay the subsistence allowance and the arrears forthwith;
- iii) to direct the respondent authorities to revoke the order of suspension dated 22.5.15 against the applicant as contained in Annexure A/5 herein;
- iv) to direct the respondents to produce the entire records of the case before the Hon'ble Tribunal for effective adjudication of the issues involved herein;
- v) and to pass such any other order or further order as to this Hon'ble Tribunal may deem fit and proper.

2. During the course of hearing on 15.9.15 the respondents' counsel was directed to inform whether the suspension of the applicant was reviewed within 90 days of its issuance and whether he is receiving suspension allowance regularly. Ld. Counsel for the respondents upon instruction submitted that the suspension order was last reviewed on 20.8.15 and suspension allowance has been granted up to June 2015. Thus admittedly the applicant has not received suspension allowance from July 2015 onwards, which should be forthwith released by the respondents in accordance with law.

3. Ld. Counsel for the applicant has drawn our attention to a decision reported in **AIR 2015 SC 2389 in Ajay Kr. Chaudhury -vs- UOI through its Secretary & Anr.**, wherein Hon'ble Apex Court directed that the currency of a suspension order should not extend beyond three months if within this period

the memorandum of charges/charge sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge sheet is served the reasoned order must be served for the extension of suspension.

4. We have heard the Id. Counsel for the parties.

5. In view of the legal proposition as recently laid down by the Hon'ble Apex Court (supra), the respondents are directed to consider the matter in regard to placing the applicant further on suspension where admittedly no charge memo has been issued to him and in the light of the decision referred to hereinabove pass appropriate reasoned and speaking order at the next meeting for review of the suspension. The respondents shall communicate their decision and order shortly thereafter.

6. The OA is disposed of accordingly. No order is passed as to costs.

(R. BANDYOPADHYAY)  
MEMBER (A)

(BIDISHA BANERJEE)  
MEMBER (J)

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