

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

**OA No. 1357/2019
MA No. 2340/2019**

This the 14th day of November, 2019

Hon'ble Mr. S.N. Terdal, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)

Pradeep Sharma, Astt. Superintendent (U/s)
Central Jail, Tihar
S/o Sh. Phool Kunwar Sharma
Aged 37 years
R/o village & PO Chhattera
Bahadurpur, Sonipat, Haryana. ...Applicant

(through Sh. P.C. Mishra)

Versus

1. Director General (Prisons)
Govt. of NCT of Delhi
Prison Head Quarter
Near Lajwanti Garden Chowk
Janakpuri, New Delhi-110064.
2. Chief Secretary
Govt. of NCT of Delhi
Delhi Secretariat
IP Estate, New Delhi-110002. ...Respondent

(through Sh. H.A. Khan)

ORDER (Oral)

Hon'ble Mr. S.N. Terdal:

Heard. Perused all the documents.

2. The applicant has sought the following reliefs in the OA:

- i. set-aside the impugned order No. II/3/453/CJ/VIG/2014/2334-42, dated 25.11.2014 along with all extension orders with consequential benefits;
- ii direct the respondent to revoke the suspension and re-instate the applicant with immediate effect.
- iii. or any other order or directions as deemed fit in the facts and circumstances of the case may be passed.

3. The short question that arises in this case is that the applicant has been kept under suspension since 25.11.2014 and the said suspension has been extended from time to time, without initiating any disciplinary proceedings. Even, as on today, the applicant stands suspended.

4. Learned counsel for the respondents vehemently submits that in view of the pendency of FIR No. 56/2014, the trial of which is still pending, suspension cannot be revoked.

5. Learned counsel for the applicant relied upon the law laid down by the Hon'ble Supreme Court in the case of *Ajay Kumar Choudhary vs. Union of India* which says that the suspension order cannot be extended beyond three months without initiating disciplinary inquiry. The relevant portion of the judgment is extracted below:

“14. We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension.”

6. In view of the law laid down by the Hon'ble Supreme Court extracted above, the suspension orders are set aside, with all consequential benefits. The respondents are at liberty to take action as per law. The OA is accordingly disposed of. No costs.

(A.K. Bishnoi)
Member (A)

(S.N.Terdal)
Member (J)

/ns/