

THE HON'BLE SRI JUSTICE K.C.BHANU

AND

THE HON'BLE MRS. JUSTICE ANIS

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WRIT PETITION No.20637 OF 2015

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ORDER: (per Hon'ble Sri Justice K.C.Bhanu)

This Writ Petition is filed challenging the order dated 21.11.2014 in O.A.No.250 of 2014 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short, "the Tribunal").

2. The unofficial respondent herein/applicant filed the aforementioned Original Application before the Tribunal to call for the records pertaining to the issuance of impugned order dated 03.12.2012, issued by the second petitioner herein vide order No.G/Md/19/DAR/CBI/2012, through which he was suspended until further orders and orders of extension of suspension dated 10.04.2013 and 21.05.2013 and consequently quash and set aside the same, by declaring it as illegal and arbitrary, and consequently to direct the petitioners herein to arrange for payment of pay and allowances for the period from 23.11.2012 to 20.11.2013.

3. The Tribunal, upon considering the material on record, allowed the Original Application with the following observation:

"In the result, the impugned order dated.10.04.2013 (A-II) and consequential extension order dated 21.05.2013 are quashed and set aside and the applicant is entitled for all consequential benefits".

The Tribunal made the above observation on the ground that after expiry of 90 days from the date of suspension, there is no extension of suspension order. Hence, this Writ Petition by the Government.

4. Heard learned counsel for the petitioners and party-in-person.
5. There is no dispute with regard to the applicant being suspended for a period of three months vide impugned order dated 03.12.2012 with effect from 23.11.2012. Admittedly, after 90 days from the date of suspension, the suspension has to be reviewed by the disciplinary authority. Such review has not been taken place. Therefore, appropriate decision has to be taken with regard to how that period has to be treated by the competent authority in appropriate proceedings.
6. With the above clarification, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

K.C.BHANU, J

ANIS, J

Date: 07.07.2015

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