

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and

The Hon'ble Smt.Justice Anis

Writ Petition No.5199 of 2016

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Date: 03.03.2016

Between:

Union of India
rep. by its Secretary to Govt. of India
New Delhi and 2 others

.. Petitioners

and

V.R.Balagopalan and another

.. Respondents

Counsel for the petitioners :

**Mr.B.Appa Rao
for Mr.B.Narayana**

Reddy,

Asst. Solicitor General

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The Court made the following:

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O r d e r : (Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Feeling aggrieved by Order, dated 22-01-2016, in OA.No.989 of 2015, on the file of the Central Administrative Tribunal, Hyderabad Bench (for short 'the Tribunal'), the Union of India and its functionaries have filed this Writ Petition.

The only controversy that needed to be resolved by the Tribunal was as to whether the extension of suspension order, dated 20-03-2015, was within 90 days from the date of the said order or beyond the said date, for, if the extension order was passed beyond 90 days, it has no validity in law.

In the instant case, the Tribunal found, and in our view rightly, that the extension of suspension order made on 18-06-2015 was beyond 90 days because the suspension order came into effect on the date on which it was issued *viz.*, 20-03-2015.

Therefore, while computing 90 days, the date on which the suspension order was passed must also be included. The learned Counsel for the petitioners has not disputed that if 20.03.2015 is not excluded, the period of 90 days expired on 17-06-2015 itself.

In our opinion, the Tribunal has made a right approach in holding that since the order extending suspension was passed on 18-03-2015, the same was made after the expiry of 90 days from the order of initial suspension of respondent No.1 and accordingly, it was not valid. In this view of the matter, we do not find any reason to interfere with the order of the Tribunal.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.6633 of 2016, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Anis, J)

Dt: 3rd March, 2016
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