

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11518 of 2016

- =====
1. The Union Of India through the Secretary, Department of Posts, Dak Bhawan, New Delhi – 110001
 2. The Chief Postmaster General, Bihar, Patna – 800001
 3. The Director of Postal Services (HQ), O/o Chief Postmaster General, Bihar, Patna
 4. The Suptd. Posts Nalanda Division, Biharsharif

.... Petitioner/s

Versus

Sheo Balak Pandit, aged about 55 years, S/o Late Harihar Pandit, Resident of Moh – Murarpur Adda, Biharsharif, P.S. – Laheri, P.O. – Bihar Sharif, District - Nalanda

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar(ASG)
For the Respondent/s : Mr. M. P. Dixit, Advocate
Mr. S. K. Dixit, Advocate
Mr. Shailendra Kumar, Advocate
Mr. Sunil Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 06-03-2017

Heard learned Assistant Solicitor General and learned counsel, appearing on behalf of the respondent.

In the writ application, the order, dated 11th of August, 2015, passed by the Central Administrative Tribunal, Patna Bench, Patna in O.A. No. 303 of 2014, has been challenged.

The Tribunal after hearing the parties has set aside the suspension of the private-respondent, since there was no decision taken within the frame work of the Rule for extending the period of



suspension by the competent authority.

The relevant Rules in this regard are CCS (CCA) Rule 10 (6) and 10 (7), which reads as under:

“10 (6) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority which is competent to modify or revoke the suspension [before expiry of ninety days from the effective date of suspension] on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent review shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time].

10 (7) An order of suspension made or deemed to have been made under sub-rule (1) or (2) of this rule shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days.

Provided that no such review of suspension shall be necessary in the case of deemed suspension under sub-rule (2), if the Government servant continues to be under suspension at the time of completion of ninety days of suspension and the ninety days' period in such case will count from the date of Government servant detained in custody is released from detention or the date on which the fact of his release from detention is intimated to his appointing authority, whichever is



later.”

Admitted position is that even though a Review Committee sat on 15.07.2013 to extend the period of suspension, which was passed on 17.04.2013, the competent authority on the recommendation of the Review Committee did not revoke or extend the earlier order of suspension within 90 days. It was for this reason that the Tribunal held the decision, so taken and communicated on 12.09.2013, to be in the teeth of the statutory provision, especially Rule 10 (6) of the CCS (CCA) Rules.

The Tribunal has committed no error in setting aside the order of suspension. No interference is warranted with the order.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	09.03.2017
Transmission Date	

