

\$~45

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2810/2017, C.M. APPL.12228/2017**

GOVERNMENT OF NCT DELHI Petitioner
Through : Ms. Rashmi Chopra and Ms. Asiya,
Advocates.

versus

BALESH KUMARI VIJARUN Respondent
Through : Sh. Siddhant Tyagi, Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

% **ORDER**
13.09.2018

The impugned order held that the suspension of the applicant/official beyond the period of 90 days taking strength from a Central Vigilance Commission's (CVC) circular as interpreted by the Supreme Court in *Ajay Kumar Choudhary v. Union of India* 2015 (7) SCC 291, was not justified. This Court is informed at the outset that the respondent joined the services upon revocation of suspension on 21.10.2016.

The Govt. of NCT of Delhi is aggrieved by the interpretation given to the judgment of the Supreme Court. The Court had merely stated that the currency of a suspension order would not extend beyond six months if within that period the memorandum of suspension or the memorandum of charge or *inter alia* a reasoned order is not passed, for extension of suspension. Therefore, the

appreciation of law by the Central Administrative Tribunal (CAT) appears to be flawed and is, therefore, suspect. We say no more because the relief in this case is rendered academic and infructuous on account of employee's having rejoined the service more than two years back. The writ petition and the pending applications are accordingly dismissed but subject to the above observations.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

SEPTEMBER 13, 2018/ajk