

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-37386 of 2019
Date of decision : 20.12.2019

Amit Kumar

.... Petitioner

Versus

Central Administrative Tribunal, Chandigarh Bench and others

..... Respondents

CORAM :- HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SHARMA

Present: Mr. Naveen Singh Panwar, Advocate, for the petitioner.

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RAVI SHANKER JHA, CHIEF JUSTICE

The petitioner has filed this petition being aggrieved by order dated 14.11.2019 passed by the Central Administrative Tribunal, Chandigarh Bench, in OA No. 060/01058/2017 dismissing the Original Application filed by the petitioner against the order of his suspension dated 29.12.2016 as well as the order dated 27.03.2017 extending the period of his suspension and order dated 10.07.2017 by which the appeal filed by the petitioner has been dismissed. The petitioner has prayed for direction to the authorities to re-instate him.

2. From a perusal of the order passed by the Tribunal, it is apparent that the Tribunal has taken note of the fact that the petitioner along with one Shri Anand Rathi, the then SPM Ganaur Post Office in Sonapat Division had been charged for committing fraud to the tune of ₹ 65,87,851/-. It is also evident that the authorities suspended the petitioner

and thereafter extended the period of suspension from time to time. Facts on record further indicate that the petitioner has challenged the order extending his suspension but he has not challenged the subsequent orders extending his suspension. The Tribunal having taken note of the background of the facts of the case as well as the fact that the charge sheet has already been issued to the petitioner and the departmental enquiry is in progress, without expressing any opinion of the merits of the charge, has dismissed the Original Application on the ground that suspension of the petitioner is in accordance with law and the procedure prescribed therein.

3. Learned counsel for the petitioner submits that the petitioner has remained suspended for three years and therefore, in view of the law laid down by the Supreme Court in the case of **Ajay Kumar Choudhary Vs. Union of India, 2015 (7) SCC 291** keeping the petitioner under suspension for such a long period amounts to imposing of punishment and therefore the order of his suspension requires to be quashed.

4. We have heard the learned counsel for the petitioner and have also perused the decision of the Supreme Court relied upon by him.

5. From a perusal of the order extending suspension of the petitioner passed by the authorities as well as the unchallenged orders of extending his suspension, it is apparent that the authorities, while extending the period of suspension on each occasion, have applied their mind to the issue of continuing the suspension and have extended it by giving reasons for the same. The authorities have stated that there is real possibility of the petitioner bringing political or outside influence to bear upon the superior authorities and influence the enquiry in view of the huge amount of fraud

involved. The orders passed by the authorities suspending the petitioner and continuing the same are accordingly in accordance with the procedure prescribed by law, which requires the authorities to consider various aspects, including the impact and effect of reinstatement of an employee, who has been charged with committing fraud in respect of such huge amount, on the other employees of the establishment. The decision of the Supreme Court relied upon by learned counsel for the petitioner in the case of *Ajay Kumar Choudhary (supra)* does not help the case of the petitioner inasmuch as the Supreme Court in the said decision has held that if there is suspension for indeterminate period which is not based on any reasoning contemporaneously available on record, it would be punitive in nature. The facts of the present case clearly indicate that the authorities are duly applying their mind at each instance of extending suspension of the petitioner and are also mentioning the reasons for extending the same. In these circumstances, it cannot be said or held that the order suspending the petitioner or extending the suspension is not based on reasoning or grounds available on record.

6. For the aforesaid reasons, the petition filed by the petitioner is without any merit and is, accordingly, dismissed.

(**RAVI SHANKER JHA**)
CHIEF JUSTICE

December 20, 2019
ndj

(**RAJIV SHARMA**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No