

BEFORE THE SECRETARY,
MINISTRY OF OVERSEAS INDIAN AFFAIRS,
GOVERNMENT OF INDIA, NEW DELHI

IN THE MATTER OF

M/s Rans Overseas Associates
105, Rohit House,
3, Tolstoy Marg
Connaught Place
New Delhi-110 001 APPELLANT

VERSUS

Protector General of Emigrants/
Registering Authority
Office of the Protector General of Emigrants
Ministry of Overseas Indian Affairs
Akbar Bhavan, Satya Marg
Chanakyapuri
New Delhi -110021 RESPONDENT

ORDER

This is an appeal under Section 23 of the
Emigration Act 1983 filed by Rans Overseas
Associates, New Delhi, against an order dated



19/24.8.2011 passed by the PGE extending the orders for suspension of the registration certificate of the appellant.

2. In this case the Appellate Authority had already ordered vide order dated 10.5.2012 as under:-

“PGE may summon them at official expense to ascertain whether and to what extent there is any truth in the allegations made. If even one the allegations made can be proved conclusively the PGE may even cancel the license of the appellant.

If the proof is not conclusive or convincing, then the suspension of the RC may be revoked. (At least in the case of the medical certificates and the airline tickets, proof should be easy to obtain). However, if even prima facie evidence is not available then not only should the suspension be revoked, the RC of the appellant may be extended by the same period as for which the RC had been suspended.”



3. The appellant approached the Appellate Authority for compliance of the order dated 10.5.2012, which was not complied by the PGE. Accordingly, the case was again heard on 3rd April, 2014. The Appellate Authority vide order dated 16.4.2014 directed as follows:-

“I carefully perused the documents on the file and considered the arguments advanced by both the parties. There is no doubt that care has not been taken to comply with the orders of the Appellate Authority dated 10.05.2012 in a timely manner. The basic issue is that the complaints on the basis of which the suspension was done must have some proof to justify the action. As the licence has already suspended, unlimited time cannot be given for completing the enquiry at the level of PGE. Hence, as requested, time of two months is granted as last opportunity to comply with the orders of the Appellate Authority dated 10.05.2012 and to finally decide the case by the PGE, as directed, by the Appellate Authority, in its order dated 10.05.2012. If the case is not decided, as directed by the Appellate Authority in its order dated 10.05.2012, the appellant may again approach



this authority in that regard. For the present, the application dated 4.10.2012 stands disposed of.”

4. Then the appellant vide his letter dated 20.6.2014 again has written to this Authority for compliance of the above order.

5. Finally, the appeal was again heard on 17.7.2014. Shri Manav Kumar, advocate and Shri Nitin Mahajan, proprietor were present on behalf of appellant. Shri Baldev Malik and Shri Arjun Malik, advocates, appeared on behalf of the respondent along with Shri M. Sooriyanarayanan, Under Secretary.

6. The counsel for respondents informed that there were 12 complaints and some reply has been received in 3 complaints and for 9 complaints no reply has been received and thus, more time was required for completing the enquiry. In response to this the counsel for the appellant said that enough time had already been given and the suspension of the RC may be revoked as there was no justification for continuing with the suspension as no guilt has been proved even prima facie.



7. I considered the arguments advanced by both the parties and perused the earlier orders in the case. The licence was suspended on 9-10th June, 2011 and registering authority extended the suspension indefinitely vide their order dated 19/24.8.2011 as registering authority was not satisfied with the reply submitted by the appellant on the notice given to the appellant. The Appellate Authority vide their order dated 10.5.2012 has given some directions to the registering authority to complete the enquiry but nothing was done at the level of the registering authority to expedite and complete the enquiry of complaints on the basis of which the RC was suspended. Appellate Authority finally gave two month's time to the registering authority vide order dated 16.4.2014 for completing the enquiry. Basically it comes out that by that time the enquiry had not even begun showing that the registering authority has not bothered to review the suspension cases in general and this case in particular and to see that cases are disposed of in time and enquiries are conducted timely and suspension cases are not kept pending for long time.



8. I am now of the opinion that there is no justification for continuing the suspension of the RC of the appellant, even though the enquiries are not yet completed. Hence the appeal is allowed and the suspension of the RC is revoked. However, if the registering authority so desires they can continue with the enquiries against the 12 complaints on the basis of which the licence was suspended. After completion of the enquiry in these 12 complaints if something serious is found then action as per law can be taken by the registering authority afresh.



(Prem Narain)

Secretary

Appellate Authority

27.08.2014

(F.No.C-16016/49/2012-Vig.)