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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010343522026
+ **W.P.(C) 10696/2026, CAV 355/2026, CM APPLs. 49543-545/2026**

UNION OF INDIA & ORS. Petitioners

Through: **Mr Prateek Tanwar, SPC ,UOI**

versus

JEEVAN LAL LAVIDIYA Respondent

Through: **Dr. B.T Kaul, Mrs. Niharika Rai and Mr. Pranjal Jaiswal, Advs. with respondent in person**

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

% **04.08.2026**

C. HARI SHANKAR, J.

1. A Regular Case was registered by the Central Bureau of Investigation¹ against the respondent, who was then serving as Commissioner of Income Tax, Hyderabad on 9 May 2025, following which he was arrested on 10 May 2025. In exercise of the powers conferred by Rule 10(2)(a) and (b)² of the Central Civil Services

¹ "the CBI" hereinafter

² (2) A Government servant shall be deemed to have been placed under suspension by an order of appointing authority -

(a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;

(b) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.



(Classification, Control and Appeal) Rules 1965³, he was placed under deemed suspension with effect from 10 May 2025.

2. By order dated 12 September 2025, his period of suspension was extended by 180 days. The order was served on the respondent on 7 October 2025.

3. Prior to the extension of his suspension on 12 September 2025, the respondent, by application dated 8 August 2025, sought reinstatement on the ground that no order extending his suspension had been passed till the expiry of 90 days from 10 May 2025 when he was placed under deemed suspension as required by Rule 10(6) read with Rule 10(7)⁴ of the CCS(CCA) Rules. The period of 90 days, it was pointed out, expired on 8 August 2025.

4. It was also pointed out that no disciplinary proceedings had been instituted against the respondent till 8 August 2025.

5. On obtaining no relief from the authorities, the respondent approached the Central Administrative Tribunal⁵ by way of OA 4941/2025 contending that, with effect from expiry of 90 days from

³ “CCS(CCA) Rules hereinafter

⁴ (6) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority 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 reviews 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.

(7) An order of suspension made or deemed to have been made under sub-rules (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 the 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.

⁵ “the Tribunal” hereinafter



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10 May 2025, the deemed suspension of the respondent could not continue. In support of his submission, the respondent relied on the judgments of this Court in *Union of India v. Akil Ahmed*⁶ and *Union of India v. Gali Sreedhar*⁷.

6. The Union of India contended, *per contra*, that the period of 90 days envisaged in Rule 10(6) and (7) of the CCS(CCA) Rules would be required to be computed from the date of release of the respondent from incarceration. Inasmuch as the respondent remained under arrest till 21 June 2025, the Union of India contended that the period of 90 days would expire only on 19 September 2025, prior to which, by order dated 12 September 2025, the respondent's suspension was extended.

7. The Tribunal has, following the judgments of this Court in *Akil Ahmad* and *Gali Sreedhar*, held that the proviso to Rule 10(7) of the CCS(CCA) Rules would apply only where, on the date of expiry of 90 days from the suspension or extended suspension of the officer, he continued to remain incarcerated. Where the period of detention of the officer expired prior to the expiry of 90 days from the date of suspension or extension of suspension, the Tribunal, following the aforementioned judgments of this Court, held that the suspension would *ipso facto* come to an end on the expiry of 90 days.

8. Though it was sought to be contended that the allegations against the respondent were serious, the Tribunal observes that the seriousness of the allegations could not detract from the effect of Rule



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10(6) and 10(7) of the CCS(CCA) Rules.

9. Aggrieved by the aforesaid decision of the Tribunal, the UOI is before us in the present writ petition.

10. We have heard Mr. Prateek Tanwar, learned SPC for the UOI and Dr. B.T Kaul, learned Counsel for the respondent.

11. The issue in controversy is no longer *res integra*. Apart from the decisions in *Akil Ahmad* and *Gali Sreedhar*, a Bench of one of us (C. Hari Shankar, J.) sitting with Hon'ble Mr. Justice Om Prakash Shukla has examined this aspect in our judgment in *Union of India v. Anil Kumar Tanwar*⁸ from which the following paragraphs may be reproduced:

“6. Rule 10(2)(a) deems a person who has been detained in custody for a period exceeding 48 hours to be deemed to be under suspension from the date of his detention. As such, though the order of suspension came to be passed on 22-5-2025, it was correctly made effective from 10-4-2025.

7. Rule 10(6) of the CCS(CCA) Rules provides for review of an order of suspension either made or deemed to have been made under Rule 10 before the expiry of 90 days from the effective date of suspension. In other words, the review of the suspension of the respondent was required to be undertaken on or before the expiry of 90 days from 10-4-2025. This period of 90 days, undisputedly, expired on 8-7-2025. However, the petitioners extended the suspension of the respondent for a period of 90 days on 11-8-2025, which was beyond 8-7-2025.

8. This brought into effect Rule 10(7) of the CCS(CCA) Rules which provides that, if review of suspension does not take place before the expiry of 90 days from the date of suspension/deemed suspension, the suspension would no longer be in effect. The Tribunal has, therefore, held that, as the order continuing suspension beyond 90 days was passed on 11-8-2025, which was

⁷ 2025 SCC OnLine Del 10125

⁸ 2026 SCC OnLine Del 4507



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after the expiry of said period of 90 days on 8-7-2025, therefore, by operation of Rule 10(7), the period of suspension had come to an end on 8-7-2025.”

12. Clearly, therefore, the proviso to Rule 10(7) of the CCS(CCA) Rules would apply only where, on the date of expiry of 90 days from the date of deemed suspension or extension of deemed suspension, the employee continues to remain under detention. Where the detention has come to an end prior to the expiry of 90 days, the proviso to Rule 10(7) would not apply and, therefore, on the expiry of 90 days, the suspension or deemed suspension of the employee would *ipso facto* come to an end unless extended prior thereto.

13. Inasmuch as, in the present case, the period of 90 days had expired on 8 August 2025, prior to extension of the deemed suspension of the respondent on 12 September 2025, the Tribunal was clearly correct in its view that the deemed suspension of the respondent came to an end by efflux of time on 8 August 2025.

14. We, therefore, find no cause to interfere with the present writ petition, which is, accordingly, dismissed.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

AUGUST 4, 2026/yg/dsn/ar