

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: March 23, 2018

+ **W.P.(C) 2824/2018**

SAPAN KUMAR RAMPetitioner

Through: Mr. Prateek Tushar Mohanty,
Advocate

versus

INDIRA GANDHI NATIONAL OPEN UNIVERSITY

..... Respondent

Through: Mr. Kirtiman Singh, Mr. Saurabh
Chauhan and Mr. Waize Ali Noor, Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Vide order of 26th April, 2016 (*Annexure P-1*) petitioner, who was working as Assistant Registrar, Regional Centre Kolkata, was placed under suspension on account of registration of criminal case against him. Petitioner's suspension was extended by three months vide order of 26th July, 2016 (*Annexure P-2*). Again, vide order of 26th October, 2016 (*Annexure P-3*), petitioner's suspension was further extended by three months, followed by further extension of suspension vide order of 25th April, 2017 (*Annexure P-4*). However, vide order of 24th August, 2017 (*Annexure P-5*), petitioner's suspension was revoked while exercising powers conferred by Rule 10(1) of *the Central Civil Services*

(Classification, Control and Appeal), Rules, 1965 [hereinafter referred to as CCS (CCA) Rules, 1965].

2. Learned counsel for petitioner submits that although departmental inquiry is pending against petitioner, but in terms of Rule 10(1) of CCS (CCA) Rules, 1965 and the guiding principles in Swamy's Manual on Disciplinary Proceedings for placing Government servant under suspension, the period of suspension cannot be extended beyond the period of 90 days. Attention of this Court is drawn by petitioner's counsel to Fundamental Rule 54-B to submit that upon revocation of suspension, it needs to be clarified as to how the period of suspension has to be treated, which has not been done.

3. Quashing of suspension order (*Annexure P-1*) and a declaration to the effect that petitioner is deemed to be on duty after a period of 90 days of suspension, i.e. with effect from 26th July, 2016, is sought in this petition.

4. To say the least, petitioner has to first approach respondent for the relief claim in this petition. Learned counsel for petitioner candidly submits that no Representation or application has been filed before respondent seeking relief as sought in this petition.

5. In view of the aforesaid, this petition is disposed of while permitting petitioner to submit application/Representation to seek the relief as sought in this petition. Learned counsel for petitioner submits that the application/Representation would be submitted to respondent within a week. If it is so done, then respondent shall pass a speaking order thereon in light of the applicable rules and regulations within a

period of six weeks and shall convey the fate of the application/Representation to petitioner within a week thereafter, so that petitioner may avail of the remedies as available in law, if need be.

6. With the aforesaid directions, this petition is disposed of.

Copy of this order be given *dasti* to learned counsel for petitioner.

(SUNIL GAUR)
JUDGE

MARCH 23, 2018

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