



2025:DHC:1901-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 24.03.2025***

+ W.P.(C) 3612/2025

UNION OF INDIA AND ORS

.....Petitioners

Through: Mr. Sushil Kumar Pandey, SPC

versus

AKIL AHMAD

.....Respondent

Through: Dr. B.T. Kaul, Mr. U.D.  
Bhargava & Mr. Pranjal  
Jaiswal, Advs.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE RENU BHATNAGAR****NAVIN CHAWLA, J. (Oral)****CM APPL. 16882/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

**W.P.(C) 3612/2025 & CM APPL. 16881/2025**

2. This petition has been filed by the petitioners, challenging the Order dated 10.11.2023 passed by the learned Central Administrative Tribunal (PB), New Delhi (hereinafter referred to as the 'learned Tribunal') in Original Application. No. 2048/2023 (O.A.) titled *Akil Ahmad v. Union of India.*, as well as the Order dated 04.10.2024, passed by the learned Tribunal in Review Application No. 43/2024 (R.A) in the aforesaid O.A.

3. The aforesaid O.A. was filed by the respondent herein, challenging the Orders dated 18.04.2022, 21.11.2022, 08.02.2023, 25.05.2023 and 04.07.2023 passed by the petitioners herein, extending



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the period of suspension of the respondent, as being in violation of Rule 10 of the CCS (CCA) Rules, 1965. The respondent further prayed that he should be considered to be on duty with effect from 31.03.2022, the day when the 90-days period of the initial suspension expired.

4. For making the above prayer, it was the case of the respondent that on the basis of allegations of demanding a bribe amount of Rs. 20 lakhs, the respondent was arrested on 31.12.2021 under the Prevention of Corruption Act, 1998. However, he was released on bail on 21.03.2022. As his detention was for more than 48 hours, he was placed under deemed suspension by an Order dated 04.01.2022. It was only by an Order dated 18.04.2022, that is beyond 90 days of the deemed suspension, that his suspension was retrospectively extended with effect from 01.04.2022 for 180 days. Therefore, the respondent challenged the same as being in violation of Rule 10 of the CCS (CCA) Rules, 1965.

5. The learned Tribunal, by way of its Impugned Order dated 10.11.2023, allowed the said O.A. The relevant finding from the aforesaid Order is reproduced herein below:

*“ 34. The contention of the learned counsel is that his period of suspension should be treated with effect from 21.03.2022 and the period of 90 days should start from the date of release on bail on 22.03.2022 i.e. the date his release was informed to NHAI as such. Moreover, if this argument is accepted, it is not clear as to how the Review Committee in his meeting held on 05.04.2022 recommended to continue the suspension of the applicant for another period of 180 days with effect from 31.03.2022. It is clear that the respondents were treating*



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*30.03.2022 as the relevant date on which the suspension was expiring, treating 31.12.2021 as date of his deemed suspension. In fact, all subsequent orders to review his suspension dated 21.11.2022, 08.0.2.2023 and 25.05.2023 and 04.07.2023 mentioned that the officer is under suspension with effect from 31.12.2021 and the same has been accordingly treated as his date of suspension and in none of these orders, there is any indication that his suspension period commenced from 22.03.2022 i.e. the date on which his release was informed to NHAI, following his release on bail on 21.03.2022. Therefore, the contention of the respondents that his suspension period was reviewed well within the 90 days treating 22.03.2022 as the date of commencement of his suspension, is not backed by the facts of the case. ”*

6. The learned Tribunal, therefore, allowed the O.A. and quashed the Order dated 18.04.2022 and the subsequent orders extended the suspension period issued by the petitioners.

7. Thereafter, the petitioners filed a review application, being R.A. No. 43/2024, seeking a review of the Order dated 10.11.2023. The same was dismissed by the learned Tribunal *vide* its Impugned Order dated 04.10.2024, which observes as under:

*“7. It is evident from the above that the meeting of Review Committee was held on 05.04.2022. The competent authority accorded approval on 13.04.20.22 and order extending the suspension of applicant on 18.04.2022. All the three events took place beyond the mandatory period of 90 days.”*

8. The learned counsel for the petitioners, placing reliance on the



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Proviso to Rule 10 (7) of the CCS (CCA) Rules, 1965, submits that where an employee is placed under deemed suspension because of his detention for a period extending 48 hours, the 90-days period shall commence from the date the Government servant detained in custody is released from the detention or the date on which the fact of his release from detention is intimated to his appointing authority, whichever is later. He submits that in the present case, as the respondent was released from custody on 21.03.2022 and intimation thereof was given by the respondent to the petitioner on 22.03.2022, the 90 days period would commence from that date, and thus, the order of extension passed on 18.04.2022 was well within time.

9. We do not find any merit in the above contention.

10. Rule 10 (7) along with its first proviso reads as under:

*“(7) An order of suspension made or deemed to have been made under sub-rule (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 detention and in such case the ninety days’ period shall be computed 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.”*

(Emphasis supplied)

11. A bare reading of the above provision would show that it is only



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where the Government servant is under detention even on the expiry of the 90-days period, that the necessity of passing of an order extending the period of suspension before the expiry of the 90 days period is waived, and it is deemed that the 90 days period shall commence from the date when the Government servant is released from the detention or the fact of his release is communicated to the appointing authority, whichever is later.

12. In the present case, the respondent had been released from custody/detention prior to the expiry of the initial 90 days of his deemed suspension and the information of his release was also communicated to the Competent Authority prior to the expiry of the same period. Therefore, the proviso cannot come to the aid of the petitioners. The Order dated 18.04.2022, having being passed after the expiry of 90-days from the initial suspension/deemed suspension, was clearly beyond the prescribed time, and has rightly been quashed by the learned Tribunal.

13. We, therefore, find no merit in the present petition and the same stands dismissed.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**MARCH 24, 2025/Pr/Sm/DG**

*Click here to check corrigendum, if any*