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

Decided on: 26.09.2025

+ **W.P.(C) 5143/2024, & CM APPLs. 21072/2024, 57575/2024, 47357/2025**

M.M. DHONCHAK

.....Petitioner

versus

UNION OF INDIA THROUGH ITS SECRETARYRespondent

+ **W.P.(C) 8478/2024, & CM APPLs. 34923/2024, 57576/2024, 18672/2025, 18865/2025**

M.M. DHONCHAK

.....Petitioner

versus

UNION OF INDIA THROUGH ITS SECRETARYRespondent

Appearance:-

Mr. M.M. Dhonchak, Petitioner in Person in W.P.(C) 5143/2024 & W.P.(C) 8478/2024.

Mr. Ravi Prakash, Senior Advocate, with Mr. Hussain Taqvi, G.P., Mr. Taha Yasin, Ms. Astu Khandelwal, Mr. Yasharth Shukla, Advocates for UoI in W.P.(C) 5143/2024 & W.P.(C) 8478/2024.

Mr. Sanjeev Bhandari, Mr. K.P.S. Dhillon, Mr. Sushant Bali, Mr. Arijit Sharma, & Ms. Sakshi Jha, Advocates for Intervenor in W.P.(C) 5143/2024 & W.P.(C) 8478/2024.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

1. The petitioner, a retired judicial officer, was appointed as Presiding Officer of the Debts Recovery Tribunal ["DRT"]-II, Chandigarh. He has



filed these two writ petitions with regard to disciplinary proceedings initiated against him, and orders of suspension. In W.P.(C) 5143/2024, he assails an order of the Union of India [“UoI”] dated 13.02.2024, by which he was placed under suspension; a chargesheet dated 26.02.2024, instituting disciplinary proceedings against him; and the appointment of the Inquiry Officer. In W.P.(C) 8478/2024, he challenges an order dated 13.05.2024, by which his suspension was extended from 13.05.2024 to 09.11.2024.

2. Although the petitioner, who argued in person, submitted that the two petitions ought to be de-linked, heard separately, and disposed of by separate judgments, I find that they are related to the same chain of events. Further, the original suspension order dated 13.02.2024 is challenged in one petition, and the extension is challenged in the other petition. I, therefore, consider it appropriate to dispose of both petitions by a common judgment.

A. FACTS:

3. The petitioner retired as a judicial officer on 31.03.2021. He was appointed as the Presiding Officer of the DRT-II, Chandigarh¹, on 20.02.2022.

4. The genesis of the controversy arises from complaints filed by the DRT Bar Association, Chandigarh, against the petitioner, complaining of behavioural issues, as well as inordinately long adjournments being granted in cases before him. The complaints against the petitioner were the subject matter of litigation before the High Court of Punjab and Haryana and the Supreme Court.



5. Reference may be made to the following orders passed in these proceedings:

- a) On a writ petition filed by the Bar Association², the High Court of Punjab and Haryana, by order dated 27.10.2022, observed as follows:

“In this Writ Petition, certain serious allegations are levelled by the petitioner Association against the 4th respondent who is the Presiding Officer of the Debts Recovery Tribunal-II Chandigarh.

These allegations include his alleged rude behaviour and harassment of counsel appearing both for financial institutions and borrowers etc., and adjourning of matters even in cases where ex-parte hearing of OAs is to be done to 2026, and beyond. The petitioner has also filed Annexure P-11 order passed by the 4th respondent adjourning a matter of 2021, where the respondent had become ex-parte, to 2026. Petitioner asserts that there are several such orders passed by the 4th respondent.

Relationship with the Bar Association appears to be severally strained, and the Bar appears to have gone on strike from 26.10.2022, and counsels are not appearing before the 4th respondent. Though Nodal Officers of Banks were appearing in cases before the 4th respondent, the 4th respondent has taken a stand that they had no authority to appear in the OAs, and they are not authorized officers of the respective Banks who have instituted the OAs, and several orders have been passed by the 4th respondent dismissing OAs for default which are enclosed as Annexure P-10, all of which are almost identical.

While we do not appreciate the conduct on the part of the members of the petitioner's Association going on strike, in view of the severally strained relationship between members of the petitioner's Association and the 4th respondent, some steps need to be taken to ensure that injustice is not done to the parties, and there is no wholesale dismissal of cases pending before the 3rd respondent Tribunal or passing of adverse

¹ Constituted under Section 3 of the Recovery of Debts and Bankruptcy Act, 1993.

² CWP 24795/2022.



orders therein by the 4th respondent (as is evident from Annexure P-10 orders)

Therefore, in exercise of the powers of superintendence possessed by this Court under Article 227 of the Constitution of India as highlighted by the Supreme Court in its judgment dt. 22.1.2013 in Civil Appeal Nos. 617-618 of 2013 in the cases of Union of India and Ors. versus Debts Recovery Tribunal Bar Association and another, the 4th respondent is restrained from today from passing any adverse orders in any of the cases (OAs or SAs) pending before the respondent Tribunal of which he is the Presiding Officer, till the next date of hearing.”

- b) The petitioner challenged this order before the Supreme Court³. By an order dated 02.12.2022, the petitioner was permitted to proceed with the hearing of cases before him and decide the same on merits. It was further observed as follows:

“It goes without saying that the Judicial Member as well the Bar should always try to maintain cordial atmosphere/relationship as both are part of the justice delivery system and both are the two wheels of the chariot of justice. Therefore, it is expected that both the sides may respect each other.

We impress upon the petitioner also to see that there is no unnecessary confrontation and he may decide the cases in accordance with law on its own merits. That does not mean that we have commented upon the conduct on the part of the advocates and/or the petitioner-Judicial Member of the Tribunal.

It goes without saying that wherever the applications are dismissed for non-prosecution, it will be open for the concerned parties to move for restoration, which may be considered positively with a view to see that no injustice is caused to the litigant.”

- c) By a further order dated 12.12.2022, the Supreme Court noticed that the Chairman of DRT/ Debts Recovery Appellate Tribunal [“DRAT”] is seized with the grievances of the Bar Association,

³ SLP (C) No. 21138/2022.



particularly on the conduct of the petitioner. The Court, therefore, disposed of the SLP, continuing the order dated 02.12.2022, and leaving “*the matter to the Chairman of the DRT/DRAT to take an appropriate decision independently and if required after giving an opportunity to the representative(s) of the Bar Association as well as to the petitioner*”.

- d) By an order dated 23.03.2023, the High Court of Punjab & Haryana noted that the petitioner had been handling cases pertaining to the State of Haryana and Chandigarh, and that the High Court had been flooded with writ petitions pertaining to the State of Haryana, with approximately 50 urgent matters being listed on a regular basis, apparently on account of the fact that the petitioner was failing to discharge his judicial duties in a proper and responsible manner. After referring to an order passed by the petitioner in a securitization application, the High Court observed as follows:

“ The petitioner, in the said case, to show his bonafides, has agreed to deposit Rs.14,00,000/- and for which counsel for the Bank has readily agreed. This exercise could have been conducted at the level of respondent No. 4 but apparently, he is thinking that it is below his dignity to deal with the matters by granting any indulgence and to grant any relief and is apparently insensitive towards all litigants. The insensitivity of the said Officer is apparent wherein people who have taken loans and have outstandings due to various reasons including deaths which have taken place during Covid-19 pandemic. Resultantly, a Division Bench of this Court is forced to exercise its jurisdiction to safe guard the interest of the litigants on account of the said respondent failing to discharge his duties in accordance with the procedure prescribed.

Apart from the need of sensitivity to deal with the matters pertaining to Section 17 of the SARFAESI Act, 2002, another aspect which is to be noticed is that while dealing with



the O.As. filed by the banks under the Recovery of Debts due to Banks and Financial Institutions Act, 1993, he had dismissed 55 O.As. and 65 O.As. when the interim order dated 27.10.2022 had been passed. Thus, he caused huge loss to the financial institutions who are trying to recover public money and eventually, the amount has to go out from the hands of the tax payers. The responsibility level of the said officer is far below the standards one had expected from him keeping in mind that he had retired as a District Judge. It is in such circumstances, keeping in view the law laid down in Union of India and others v. DRT Bar Association, 2013 (1) SCR 480, we feel that it is a case where we have to exercise our power of superintendence as laid down in the said judgment which reads thus:

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In such circumstances, we are of the considered opinion that Mr. Jain will find out what is the stage of the grievances which are pending before the Chairman of the DRAT which have to be decided in view of the order passed by the Apex Court in the abovesaid SLP. He shall also take necessary instructions as to whether the said respondent can be placed under suspension or transferred to a lighter seat and whether the matters pertaining to the state of Haryana should be placed before the other two Benches to instill public confidence.

Let the said officer also file an affidavit as to how many applications have been moved for restoration by the concerned parties and how many he has restored till now as per the directions of the Apex Court on 02.12.2022 and which was also reproduced in the final order dated 12.12.2022.”

- e) By an order dated 17.04.2023, the Court found that the petitioner was still putting hurdles in restoration applications, despite the fact that the Court had noticed the colossal loss caused.
- f) The order of the High Court dated 23.03.2023 was challenged by the petitioner in SLP (C) No. 7926/2023. The Supreme Court, by order dated 12.05.2023, permitted the petitioner to withdraw the SLP with the following observations:-

“It is very unfortunate that the petitioner being the Member of the Tribunal has filed the present Special Leave Petition. When



the Members of the Bar Association approached the High Court for some grievances, which were earlier also raised against the petitioner and when the High Court is looking into the same and the High Court has observed that the counsel on behalf of the Tribunal to get necessary instructions at what stage the grievances raised against the petitioner are pending before the Chairman, DRAT, the petitioner should not have rushed to this Court by way of the present Special Leave Petition. We refuse to entertain the present Special Leave Petition with our great displeasure. The Special Leave Petition stands dismissed.

At this stage, learned counsel appearing for the petitioner seeks permission to withdraw the present Special Leave Petition as the petitioner is the Member of the Debts Recovery Tribunal. We permit the petitioner to withdraw the Special Leave Petition.”

- g) By order dated 15.05.2023, the High Court of Punjab and Haryana observed that the purpose of the Recovery of Debts and Bankruptcy Act, 1993, [“RDB Act”] had been lost sight of by the petitioner, and that unnecessarily long adjournments had been granted even in cases which could have been disposed of uncontested.
- h) By order dated 31.07.2023, the Supreme Court dismissed SLP (C) Nos. 15464-15465/2023, filed by the petitioner against the orders dated 17.04.2023 and 15.05.2023.
- i) By an order dated 03.11.2023, the High Court of Punjab and Haryana further observed as follows:

“22. Despite number of orders passed in this writ petition, requisite action, it appears has not been taken by respondent no.4 to ensure proper functioning of DRT-II, Chandigarh. In our considered opinion, long adjournments being given in the matters admittedly till December 2026 are clearly antithesis to the letter and spirit of the RDB Act itself. Merely to say that large pendency of cases necessitates such long adjournments, is a stand not to be countenanced. It is with great anguish we note that despite observations in earlier orders regarding long



adjournments, respondent no. 4 continues to adjourn matters to such dates for arguments and that too in OAs filed by the Bank/Financial Institutions where defendants have been proceeded ex parte. As the matter is informed to be pending before the Hon'ble Search-cum-Selection Committee after submission of preliminary report dated 10.07.2023, we do not consider it appropriate to express any opinion in regard thereto.

23. Immediate concern of this Court is to ensure proper functioning of DRT-II, Chandigarh, because existing stalemate between members of petitioner Association and respondent no.4 is clearly working to detriment of litigants. It has also led to filing of unnecessary writ petitions before this Court. Number of writ petitions have been filed for setting aside order(s) passed by learned DRT-II, Chandigarh, dismissing applications seeking restoration of OA/SA's dismissed in default besides orders whereby restoration has been ordered subject to substantial costs to be recovered from the Advocate in question. Some such pending writ petitions are CWP No. 22696, 23808, 23400, 22918, 23562, 28666 and 21724 of 2023. During the course of hearing reference was made to order dated 16.09.2023 passed in MA No. 172 of 2023 in OA No. 3222 of 2017, wherein on an application seeking waiver of costs of Rs. 50,000/-, additional cost of Rs. 20,000/- was imposed by learned DRT-II, Chandigarh.

27. Keeping in view the facts and circumstances of the case, instead of closing the present proceedings, we consider it imperative that immediate measures should be taken to ensure proper functioning of learned DRT-II Chandigarh to restore public faith and confidence besides ensuring faithful implementation of provisions of SARFAESI Act in letter and spirit so that the very purpose of the statute is not rendered meaningless. First and foremost necessary steps be taken by Union of India in terms of order dated 06.10.2023, passed by Hon'ble the Supreme Court in Writ Petition (Criminal) No. 351 of 2023, titled Sarvesh Mathur Vs. Registrar General of Punjab and Haryana High Court, to ensure that there is no let up or shortcoming in putting in place entire infrastructure to facilitate hearing through hybrid mode at DRT-II, Chandigarh, as well as DRT-I and DRT-III, Chandigarh well before 15.11.2023 so as to ensure that hearing through this mode can commence on or before 15.11.2023. Needless to say that in terms of order dated 06.10.2023, there would be no requirement for submitting prior application for hearing through hybrid mode. Necessary link (s) be made available in



the daily cause list of learned DRT-II, Chandigarh.

28. *At this stage, we take note of submission by learned counsel for respondent no.4 that entire proceedings should be recorded and record thereof be kept for a requisite period. Let such an exercise be carried out till the next date of hearing by dedicated personnel to be provided by Union of India under supervision of respondent no.4.*

29. *Further, Union of India shall also ensure that proper infrastructure and staff, if any/as may be required should be provided as soon as possible. Necessity of making available additional benches, if so required, should be examined and explored to ensure successful implementation of provisions of SARFAESI Act.*

31. *Members of petitioner Association shall resume work without further ado. Cordial and congenial atmosphere shall be maintained by both sides. Respondent no.4, who is a seasoned judicial officer having retired as District Judge from the State of Haryana, shall take necessary steps to ensure proper, successful working of his Court while being fully conscious of the onerous responsibility upon his shoulders. Due care and caution be exercised to ensure that object of the statute is carried out in letter and spirit and its purpose is not frustrated. It is reiterated that this order is being passed to ensure proper and smooth functioning of DRT-II, Chandigarh, without any castigation or indictment of conduct of any party at this stage. Directions as above in this respect are summarized as under:-*

i. Union of India to ensure that there is no let up in providing entire necessary infrastructure to facilitate hearing through hybrid mode before learned DRT, Chandigarh in terms of order dated 06.10.2023 passed by Hon'ble the Supreme Court in the case of Sarvesh Mathur (Supra). In compliance of abovesaid order, there shall be no requirement of submitting prior applications for such hearings. Dedicated links for access to hearing through this mode would appear in the daily cause list of the Tribunal.

ii. Keeping in view the submission made on behalf of respondent no.4, recording of proceedings before respondent no.4 be carried out by dedicated personnel to be provided by Union of India under direct supervision of respondent no.4.

iii. Till further orders, there be no insistence upon deposit of costs in compliance of any order passed by respondent no.4 for restoration of any OA/SA dismissed in default between October 2022 till date.

iv. Application (s), if any, for preponement of matters



adjourned for long dates beyond six months to be considered by respondent no.4 in accordance with law.

v. Lawyers to resume work before learned DRT-II without further ado. Cordial and congenial atmosphere be maintained by both members of petitioner Association and respondent no.4 to obviate any prejudice to the litigants.

vi. Union of India shall ensure that proper infrastructure and staff as may be required should be provided as soon as possible. Necessity of making available additional benches, if so required, be examined, explored and requisite steps be undertaken as may be required. Report in this respect be filed on behalf of Union of India before the next date of hearing.”

j) By order dated 16.01.2024 in SLP(C) No. 27317/2023, the Supreme Court dismissed the petitioner’s challenge to the order dated 03.11.2023.

6. In the meanwhile, the Chairman, DRAT, furnished a preliminary report dated 10.07.2023, recording the following conclusions:

“41. However, as discussed earlier, by virtue of directions of the Hon'ble Supreme Court vide its orders dated 12.12.2022 and 12.05.2023, this Appellate Tribunal is duty bound to give its observation regarding conduct of Ld. Presiding Officer and is of the opinion that prima facie all is not well in the manner in which Ld. Presiding Officer, DRT-II, Chandigarh is conducting himself for the following reasons:-

1. This Tribunal is of the opinion that it is prima facie clear from the complaints received from the DRT Bar Association, Chandigarh that Ld. Presiding Officer, DRT-II, Chandigarh is not behaving properly with the Ld. Members of the Bar.

2. Ld. Presiding Officer has prima facie defeated the very purpose of enactment of the Recovery of Debts and Bankruptcy Act by adjourning the cases to the year 2026, i.e. beyond his tenure.

3. Giving long adjournments of 3 to 4 years prima facie show that Ld. Presiding Officer, DRT-II, Chandigarh is not sensitive in dealing with the matters pending before him for adjudication and is oblivious of the fact that he has been entrusted with a task which affects the economy of the nation.

4. There is no complaint against Ld. Presiding Officer of other



DRTs regarding conduct or behaviour from DRT Bar Associations except the Ld. Presiding Officer, DRT-II, Chandigarh.

5. The matters are also adjourned by other DRTs and next dates given generally extend to six months. Ld. Presiding Officer, DRT-II, Chandigarh is, however, adjourning the matters for three to four years, i.e. beyond his tenure, which in turn is prima facie delaying the recovery of amount from the borrowers and is adversely affecting the economic health of the country.

6. The Ld. Presiding Officer, DRT-II, Chandigarh has failed to redress the grievance of the Ld. Members of Bar. Ld. Presiding Officer has also refused to accede to the oral request made by the undersigned to him to resolve the matter/differences amicably with the Ld. President and Secretary of DRT Bar.

7. The complaints made against Ld. Presiding Officer, DRT-II, Chandigarh regarding his conduct cannot prima facie be termed as motivated, false or frivolous for the reason that there is nothing on record to suggest that Ld. Presiding Officer and that is why it is making complaints against him only and not against other Ld. Presiding Officers functioning at Chandigarh.

*42. This Tribunal has thus, given its prima facie detailed observations regarding the way of working and conduct of the Ld. Presiding Officer, DRT-II, Chandigarh. **As discussed earlier, now Central Government has to take a decision after scrutinising the complaints relating to the conduct and behaviour of Ld. Presiding Officer, DRT-II, Chandigarh Mr. M.M. Dhonchak received from the Ld. Members of Bar in accordance with Rule 9 of the Tribunal (Conditions of Service) Rules, 2021 made under the Tribunal Reforms Act, 2021** which contemplates that on receipt of a written complaint alleging any definite charge of misbehaviour or incapacity to perform the function in respect of a Member (Presiding Officer in the present case) by the Central Government, it shall make a preliminary scrutiny of such complaint and when on preliminary scrutiny, the Central Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of misbehaviour or incapacity of a Member, it shall make a reference to the Committee.*

43. So far as the request of the Bar Association regarding withdrawal of work of Ld. Presiding Officer is concerned, this



decision too is to be taken by the central Government in accordance with law.”

7. The impugned order of suspension dated 13.02.2024 refers to the representations received by UoI from the DRT Bar Association, Chandigarh, alleging misbehaviour by the petitioner, and the fact that the disciplinary proceedings were contemplated against him. It also refers to the aforesaid order of the Supreme Court dated 12.12.2022, and the report of the Chairperson, DRAT, dated 10.07.2023. After preliminary scrutiny, it is stated that the UoI found reasonable ground for making an inquiry against the petitioner and that the Search-cum-Selection Committee [“SCSC”]⁴ had decided on 24.08.2023 that the inquiry should be conducted by a former Chief Justice of a High Court in accordance with Rule 9(3) of the Tribunal (Conditions of Service) Rules, 2021 [“TCS Rules”]. The order refers to the meeting of SCSC dated 22.11.2023, recording that there was evidently no change in the conduct of the petitioner even after approval of the inquiry having been noticed by the High Court of Punjab and Haryana. The competent authority therefore placed the petitioner under suspension with immediate effect, invoking Rule 16 of the TCS Rules read with the Central Civil Services (Classification, Control and Appeal) Rules, 1965 [“CCS (CCA) Rules”].

8. The impugned chargesheet dated 26.02.2024 was issued to the petitioner by the Government of India, under Rules 9 and 16 of the TCS Rules read with the Central Civil Services (Conduct) Rules, 1964 [“CCS Conduct Rules”]. With the chargesheet, the petitioner was served with Statement of Articles of Charge framed against him, as well as lists of

⁴ Search-cum-Selection Committee is defined in Section 3(3) of the Tribunal Reforms Act, 2021.



witnesses and documents.

9. The Articles of Charge served upon the petitioner read as follows:

“Article I

That the said Shri Man Mohan Dhonchak, while functioning as Presiding Officer, Debts Recovery Tribunal-2 (DRT-2), Chandigarh behaved in a rude manner with the Members of the Debts Recovery Tribunal Bar Association, Chandigarh which is not expected from a judicial officer and harassed the counsel appearing both for financial institutions and borrowers while conducting the court proceedings since July, 2022.

Thus, by acting in the aforesaid manner, Shri Man Mohan Dhonchak, PO, DRT-2, Chandigarh has acted in a manner which amounts to misbehavior.

Article II

That the said Shri Man Mohan Dhonchak, while functioning as Presiding Officer, Debts Recovery Tribunal-2 (DRT-2), Chandigarh defeated the very purpose of enactment of the Recovery of Debts and Bankruptcy Act, 1993 by adjourning the cases being heard by him in the year 2022 and 2023 to the year 2026, i.e beyond his tenure. The said act of Shri M.M Dhonchak has been repeatedly criticized by members of DRT Bar Association of Chandigarh and the Chairperson, DRAT, Delhi has also taken cognizance of the alleged act of Shri M.M Dhonchak.

By the aforesaid act, Shri Man Mohan Dhonchak has exhibited lack of devotion of duty and his act shows that he is oblivious to the fact that he has been entrusted with a task which affects the economy of the nation thereby delaying recovery of amount due from borrowers. It is, therefore, alleged that, Shri Man Mohan Dhonchak, PO, DRT-2, Chandigarh abused his position as PO, DRT-2, Chandigarh, prejudicial to the public interest by adjourning the matters to the year 2026, an act which is in direct contravention with the basic premise of the Recovery of Debts and Bankruptcy (RDB) Act, 1993 which was established for expeditious adjudication and recovery of debts due to banks and financial institutions and Section 19(24) of the RDB Act, 1993.

Thus, by acting in the aforesaid manner, Shri Man Mohan Dhonchak, PO, DRT-2, Chandigarh has failed to maintain devotion to duty, has not performed and not discharged his duties with the highest degree of professionalism and dedication to the best of his abilities, has failed to take decisions on merit alone and



has acted in a manner which is unbecoming of a Government Servant. Shri Man Mohan Dhonchak has therefore, violated provisions of Rules 3(1) (ii), 3(1)(iii), 3(1)(xvi) and 3(1) (xxi) of CCS(Conduct Rules) 1964.

Article III

That the the said Shri Man Mohan Dhonchak, while functioning as Presiding Officer, Debts Recovery Tribunal-2 (DRT-2), Chandigarh failed to maintain courtesy with the members of ORT Bar Association and good behaviour with the public. Shri Man Mohan Dhonchak has therefore, violated provisions of Rules 3(1) (xi) of CCS (Conduct Rules) 1964.”

10. Imputations of charge were also served upon the petitioner, which may be summarised as follows:

- a) Article I: The Department of Financial Services, Ministry of Finance [“DFS”], had received various representations from the DRT Bar Association, Chandigarh, against alleged misbehaviour by the petitioner. Reference to these complaints was also made in an order dated 12.12.2022 of the Supreme Court, in which it was observed that the Chairperson, DRAT, was seized of the matter and looking into the grievances highlighted by the Bar Association. The Chairperson, DRAT, conducted a preliminary scrutiny and submitted a report dated 10.07.2023 to DFS, which found reasonable grounds for making an inquiry. The matter was, therefore, referred to the SCSC, which decided on 24.08.2023 that an inquiry should be conducted by a former Chief Justice of a High Court under Rule 9(3) of the TCS Rules. On the basis of these materials, it was alleged that the petitioner, while functioning as Presiding Officer, DRT-II, Chandigarh, behaved in a rude manner with the members of the Association, which is not expected from a



judicial officer, and harassed counsel on both sides.

- b) Article II: It was alleged that the petitioner had adjourned cases being heard by him in the years 2022 and 2023 to the years 2025-2026, defeating the very purpose of the RDB Act. Such adjournments caused loss to the public exchequer and were prejudicial to the public interest. It was alleged that the petitioner has thus exhibited a lack of devotion to duty in a manner which is detrimental to the economy.
- c) Article III: The petitioner failed to maintain courtesy with the members of the Association and good behaviour with the public, in violation of Rule 3(1) (xi) of CCS Conduct Rules.

11. The petitioner's suspension was further extended from 13.05.2024 to 09.11.2024, pursuant to recommendations of the Suspension Review Committee dated 26.04.2024, and thereafter until 08.05.2025 by order dated 05.11.2024, and further until 04.11.2025, or until further orders, by order dated 06.05.2025. The first extension is challenged in W.P.(C) 8478/2024.

12. It may be noted that the second extension of suspension - from 09.11.2024 to 08.05.2025, by the order dated 05.11.2024 - was challenged by the petitioner in W.P.(C) 15933/2024. At the instance of the petitioner, it was heard separately and was dismissed by judgment dated 03.03.2025. The judgment was carried in appeal by the petitioner in LPA No. 204/2025. By judgment dated 01.07.2025, the petitioner's appeal was dismissed by the Division Bench of this Court. Aggrieved thereby, the petitioner filed a Special Leave Petition [SLP (C) No. 23602/2025]. Although I was informed at the hearing of this petition that



the SLP had not been listed before the Supreme Court, the website of the Supreme Court shows that it was subsequently dismissed, by an order dated 29.08.2025.

13. Pursuant to an order dated 25.07.2025, UoI has filed an additional affidavit dated 31.07.2025, in which it has been stated that Hon'ble Mr. Justice Virender Singh, former Chief Justice of the High Court of Jharkhand, was appointed as the Inquiry Officer on 26.02.2024. The petitioner submitted a representation on 05.03.2024 for a change of the Inquiry Officer. The request was rejected by the UoI on 29.04.2024. The petitioner's request dated 01.05.2024 for review of this order was also rejected on 04.06.2024. However, by letters dated 29.05.2024 and 15.06.2024, the Inquiry Officer expressed his inability to continue. At its meeting held on 19.03.2025, the SCSC recommended appointment of Hon'ble Mr. Justice L. Narasimha Reddy, former Chief Justice of the High Court of Patna, as the Inquiry Officer. The new Inquiry Officer was appointed on 01.04.2025. The petitioner has made several representations against the new Inquiry Officer, and the manner in which the disciplinary proceedings were being conducted, which have been rejected by UoI on 21.05.2025. The petitioner's request for review thereof, dated 23.05.2025, was rejected on 02.06.2025. It is stated that an inquiry report has been submitted by the Inquiry Officer on 03.06.2025, which has been placed before the SCSC on 23.07.2025.

14. The petitioner filed a response to this affidavit on 01.08.2025, in which it is contended that the additional affidavit is irrelevant, and beyond the scope of the order of this Court. The petitioner has therefore declined to reply to the contents of the affidavit, which, according to him,



are beyond the pale of the said order. He has, however, indicated that there has been subsequent correspondence made by him to SCSC with regard to the inquiry proceedings, which has not elicited a response. It is contended that the action taken after the filing of the writ petition has no relevance to the petitioner's rights.

B. PROVISIONS OF THE STATUTES AND RULES:

15. The provisions of the Statutes and Rules relevant for adjudication of this case are set out hereinbelow:

a. The Recovery of Debts and Bankruptcy Act, 1993:

“17-A. Power of Chairperson of Appellate Tribunal.—(1) The Chairperson of an Appellate Tribunal shall exercise general power of superintendence and control over the Tribunals under his jurisdiction including the power of appraising the work and recording the annual confidential reports of Presiding Officers.

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(1-B) Where on assessment of the performance of any Presiding Officer of the Tribunal or otherwise, the Chairperson is of the opinion that an inquiry is required to be initiated against such Presiding Officer for misbehaviour or incapacity, he shall submit a report to the Central Government recommending action against such Presiding Officer, if any, under Section 15, and for reasons to be recorded in writing for the same.”

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b. The Tribunals Reforms Act, 2021:

“2. Definitions.— In this Act, unless the context otherwise requires,—

(a) “Chairperson” includes Chairperson, Chairman, President and Presiding Officer of a Tribunal;

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3. Qualifications, appointment, etc., of Chairperson and Members of Tribunal.—(1) Notwithstanding anything contained in any judgment, order or decree of any court, or in any law for the time being in force, the Central Government may, by notification in the



Official Gazette, make rules to provide for the qualifications, appointment, salaries and allowances, resignation, removal and other conditions of service of the Chairperson and Member of a Tribunal after taking into consideration the experience, specialisation in the relevant field and the provisions of this Act:

Provided that a person who has not completed the age of fifty years shall not be eligible for appointment as a Chairperson or Member.

(2) The Chairperson and the Member of a Tribunal shall be appointed by the Central Government on the recommendation of a Search-cum-Selection Committee constituted under sub-section (3), in such manner as the Central Government may, by rules, provide.

(3) The Search-cum-Selection Committee, except for the State Administrative Tribunal, shall consist of—

(a) a Chairperson, who shall be the Chief Justice of India or a Judge of Supreme Court nominated by him;

(b) two Members, who are Secretaries to the Government of India to be nominated by that Government;

(c) one Member, who—

(i) in case of appointment of a Chairperson of a Tribunal, shall be the outgoing Chairperson of that Tribunal; or

(ii) in case of appointment of a Member of a Tribunal, shall be the sitting Chairperson of that Tribunal; or

(iii) in case of the Chairperson of the Tribunal seeking re-appointment, shall be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court, to be nominated by the Chief Justice of India;

Provided that in the following cases, such Member shall always be a retired Judge of the Supreme Court or a retired Chief Justice of a High Court, to be nominated by the Chief Justice of India, namely:—

(i) Industrial Tribunal constituted by the Central Government under the Industrial Disputes Act, 1947 (14 of 1947);

(ii) Debt Recovery Tribunal and Debt Recovery Appellate Tribunal established under the Recovery of Debts and Bankruptcy Act, 1993 (51 of 1993);



(iii) where the Chairperson or the outgoing Chairperson, as the case may be, of a Tribunal is not a retired Judge of the Supreme Court or a retired Chief Justice or Judge of a High Court; and

(iv) such other Tribunals as may be notified by the Central Government, in consultation with the Chairperson of the Search-cum-Selection Committee of that Tribunal; and

(d) the Secretary to the Government of India in the Ministry or Department under which the Tribunal is constituted or established—Member-Secretary:

Provided that the Search-cum-Selection Committee for a State Administrative Tribunal shall consist of—⁵

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4. Removal of Chairperson or Member of Tribunal.—The Central Government shall, on the recommendation of the Committee, remove from office, in such manner as may be provided by rules, any Chairperson or a Member, who—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence which involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such Chairperson or Member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where the Chairperson or Member is proposed to be removed on any ground specified in clauses (c) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.”

c. Tribunal (Conditions of Service) Rules, 2021:

“2. Definitions.— In these rules, unless the context otherwise requires,-

(c) “Committee” means the Search-cum-Selection Committee referred to in sub-section (3) of section 3 of the Act;”

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⁵ Emphasis supplied.



9. Procedure for inquiry into complaints.— (1) Where a written complaint alleging any definite charge of misbehavior or incapacity to perform the functions of the office in respect of a Chairperson or Member is received by the Central Government, it shall make a preliminary scrutiny of such complaint.

(2) Where, on preliminary scrutiny, the Central Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehavior or incapacity of a Chairperson or Member, it shall make a reference to the Committee.

(3) The Committee shall conduct an inquiry or cause an inquiry to be conducted by a person who is, or has been, a—

(a) Judge of Supreme Court or Chief Justice of a High Court, where the inquiry is against a Chairperson; or

(b) Judge of a High Court, where the inquiry is against a Member.

(4) The inquiry shall be completed within such time or such further time as may be specified by the Central Government preferable within six months.

(5) After the conclusion of the inquiry, the Committee shall submit its report to the Central Government stating therein its findings and the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit.

(6) The Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

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16. Other conditions of service.— (1) The terms and conditions of service of a Chairperson, or Member with respect to which no express provision has been made in these rules, shall be such as are admissible to a Government of India officer holding Group ‘A’ post carrying the same pay.”⁶

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⁶ Emphasis supplied.



d. Central Civil Services (Classification, Control and Appeal) Rules, 1965:

“12. Disciplinary Authorities

(2) Without prejudice to the provisions of sub-rule (1), but subject to the provisions of sub-rule (4), any of the penalties specified in Rule 11 may be imposed on-

(a) a member of a Central Civil Service other than the General Central Service, by the appointing authority or the authority specified in the schedule in this behalf or by any other authority empowered in this behalf by a general or special order of the President;

(b) a person appointed to a Central Civil Post included in the General Central Service, by the authority specified in this behalf by a general or special order of the President or, where no such order has been made, by the appointing authority or the authority specified in the Schedule in this behalf.

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13. Authority to institute proceedings

(1) The President or any other authority empowered by him by general or special order may -

(a) institute disciplinary proceedings against any Government servant;

(b) direct a disciplinary authority to institute disciplinary proceedings against any Government servant on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rule 11.

(2) A disciplinary authority competent under these rules to impose any of the penalties specified in clauses (i) to (iv) of rule 11 may institute disciplinary proceedings against any Government servant for the imposition of any of the penalties specified in clauses (v) to (ix) of rule 11 notwithstanding that such disciplinary authority is not competent under these rules to impose any of the latter penalties.

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16. Procedure for imposing minor penalties

(1) Subject to the provisions of sub-rule (5) of rule 15, no order imposing on a Government servant any of the penalties specified in clause (i) to (iv) of rule 11 shall be made except after-

- (a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him reasonable opportunity of making such representation as he may wish to make against the proposal;*
- (b) holding an inquiry in the manner laid down in sub-rules (3) to (24) of rule 14, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;*
- (c) taking the representation, if any, submitted by the Government servant under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;*
- (d) consulting the Commission where such consultation is necessary. The Disciplinary Authority shall forward or cause to be forwarded a copy of the advice of the Commission to the Government servant, who shall be required to submit, if he so desires, his written representation or submission on the advice of the Commission, to the Disciplinary Authority within fifteen days; and*
- (e) recording a finding on each imputation or misconduct or misbehaviour.*

(1-A) Notwithstanding anything contained in clause (b) of sub-rule (1), if in a case it is proposed after considering the representation, if any, made by the Government servant under clause (a) of that sub-rule, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-rules (3) to (24) of Rule 14, before making any order imposing on the Government servant any such penalty.

- (2) The record of the proceedings in such cases shall include-*
- (i) a copy of the intimation to the Government servant of the proposal to take action against him;*
 - (ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;*
 - (iii) his representation, if any;*
 - (iv) the evidence produced during the inquiry;*
 - (v) the advice of the Commission, if any;*



- (vi) representation, if any, of the Government servant on the advice of the Commission;
- (vii) the findings on each imputation of misconduct or misbehavior; and
- (viii) the orders on the case together with the reasons therefor.”

e. Central Civil Services (Conduct) Rules, 1964:

“3. General

(1) Every Government servant shall at all times--

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(ii) maintain devotion to duty; and

(iii) do nothing which is unbecoming of a Government servant.

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(xvi) make choices, take decisions and make recommendations on merit alone;

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(xxi) perform and discharge his duties with the highest degree of professionalism and dedication to the best of his abilities.”

f. The Government of India (Transaction of Business) Rules, 1961:

“3. Disposal of Business by Ministries.- Subject to the provisions of these Rules in regard to consultation with other departments and submission of cases to the Prime Minister, the Cabinet and its Committees and the President, all business allotted to a department under the Government of India (Allocation of Business) Rules, 1961, shall be disposed of by, or under the general or special directions of, the Minister-in-charge.”

C. SUBMISSIONS:

a. Submissions of the Petitioner

16. The petitioner, who appeared in person, sought to impress upon the Court that the proceedings have been initiated against him at the instance of the Bar Association, which, according to him, has no role or authority to discuss the conduct of a Judge, in terms of the judgment of the Supreme Court in *Ashwini Kumar Upadhyay v. Union*



of *India & Anr*⁷. He submitted that his performance as Presiding Officer of the DRT was more disposal-orientated and efficient than that of other DRTs, thus negating the allegation that his performance was against the objectives of the RDB Act. The petitioner justified granting long adjournments in some cases of relatively low monetary value, on the basis of practice direction prioritising high-value cases. He also rejected the correlation between adjournments and loss to financial institutions, as alleged against him. The petitioner denied allegations of rude behaviour or harassment towards advocates, and also submitted that such allegations were bereft of particulars or evidence. It was his submission that his conduct and refusal to be intimidated by members of the Bar Association is the actual cause of the action taken against him.

17. As far as the suspension order is concerned, the petitioner submitted that no power was vested in the UoI, to suspend a Presiding Officer under Rule 16 of the TCS Rules. According to the petitioner, Rule 16 incorporates the CCS (CCA) Rules, only insofar as they are beneficial to the employee, and does not confer a power of punitive action, such as suspension. The petitioner argued that an order of suspension has been held to be injurious to such employee, by a Constitution Bench of the Supreme Court in *Khemchand v. Union of India & Ors*⁸. He also contended that the order of suspension could not have been passed after ordering an inquiry on the very same charges.

⁷ (2019) 11 SCC 683, [hereinafter, "*Ashwini Kumar Upadhyay*"].

⁸ AIR 1963 SC 687, [hereinafter, "*Khem Chand*"].



18. In fact, the petitioner drew my attention to the submissions made on behalf of UoI before the Punjab and Haryana High Court, to the effect that no interim disciplinary action could be taken by it against the petitioner under the RDB Act, as such action was contemplated only under Section 17(A) of the said Act. Reference in this regard may be made to the order dated 17.08.2023 in CWP 24795/2022, wherein the submissions of the learned Additional Solicitor General were noted as follows:

“Mr. Jain, submits that it is not within the competence of the Central Government to take any interim measures regarding the Presiding Officer as have been mentioned in order dated 23.03.2023 passed in this writ petition.”

In a further hearing in the aforesaid petition on 03.11.2023, UoI again reiterated that *“it is not for them to take any interim measures while the matter is pending before the Hon’ble Search-cum-Selection Committee, and that any interim action, if required, can be taken by the Chairperson of the Appellate Tribunal”* under Section 17(A)(2) of the RDB Act.

19. With specific reference to the validity of the chargesheet issued against him, the petitioner submitted that it could not have been issued on 26.02.2024, after a decision had already been taken to appoint an inquiry officer in terms of the recommendations of the SCSC dated 26.02.2024. It was further contended that the preliminary report furnished by the Chairperson, DRAT, on 10.07.2023 ought to have been served upon the petitioner, and his response considered before scrutiny by the UoI or initiation of inquiry proceedings. The petitioner assailed the chargesheet as having been issued without authority;



according to him, issuance of the chargesheet by the UoI with approval of the Finance Minister was illegal, as the petitioner's Disciplinary Authority was, in fact, the SCSC. He also submitted that documents were not provided to him in time.

20. The petitioner also urged the Court not to take into account any events which occurred after the filing of the writ petition, contending that his rights and grievances against the impugned orders must be regarded as crystallised on the date of filing of the writ petition.

21. As far as the order dated 13.05.2024, is concerned, by which the petitioner's suspension was extended from 13.05.2024 to 09.11.2024, the petitioner reiterated the arguments made in the earlier round of proceedings as detailed in paragraph 12 herein. He also placed on record the contents of the Special Leave Petition⁹ filed by him against the Division Bench judgment of this Court dated 01.07.2025 in LPA 204/2025.

b. Submissions on behalf of the respondent

22. Mr. Ravi Prakash, learned Senior Counsel for the UoI, urged the Court not to enter into adjudication of contested factual matters in this writ petition at this stage. He submitted that an examination of the veracity of the allegations against the petitioner would be premature, having regard to the pendency of disciplinary proceedings.

23. As far as the suspension order dated 13.02.2024, and the extension order dated 13.05.2024 are concerned, Mr. Prakash submitted that the UoI is vested with power under Rule 16 of the TCS Rules read with Rule 16 of the CCS(CCA) Rules. He differed from



the petitioner's restrictive interpretation of Rule 16 of the TCS Rules, as one which only permits beneficial provisions of the CCS(CCA) Rules to be applied to the Chairperson and Members of the Tribunal. Mr. Prakash submitted that the suspension of the petitioner was justified by the seriousness of the charges against him, based upon complaints of the Bar Association, and *prima facie* substantiated by the preliminary scrutiny undertaken by the Chairperson, DRAT. He also drew my attention to the orders of the Punjab and Haryana High Court and Supreme Court, referred to above.¹⁰

24. As far as the validity of the disciplinary proceedings is concerned, Mr Prakash cited Rule 9 of the TCS Rules, which provides for inquiry into complaints by the SCSC or a person appointed by it, after a preliminary scrutiny by the Government of India. He submitted that, in the present case, such preliminary scrutiny was undertaken by the Chairperson, DRAT, as recorded in the order of the Supreme Court dated 12.12.2022 in SLP(C) 21138/2022. Upon such scrutiny, the power to initiate disciplinary proceedings is, according to Mr. Prakash, vested with the Central Government under Rule 9(5) of the TCS Rules. He also placed before the Court the Government of India (Transaction of Business) Rules, 1961, which delegates the President's power in respect of such disciplinary proceedings to the Finance Minister, whose approval was taken prior to the initiation of proceedings against the petitioner.

25. As far as the extension of the petitioner's suspension is

⁹ SLP (C) 23602/2025.

¹⁰ Referred to in paragraph 5 of this judgment.



concerned, Mr. Prakash submitted that the issue is fully covered by the judgment of the Division Bench dated 01.07.2025 in LPA 204/2025 referred to above. The subsequent suspension having been upheld by the Division Bench, Mr. Prakash submitted that the challenge to the prior extension is infructuous.

26. Judgments cited by the parties in the course of arguments, will be referred to at the appropriate stage in this judgment.

D. ANALYSIS:

a. Validity of chargesheet/initiation of disciplinary proceedings

27. A large part of the petitioner's arguments was focused on the merits of the allegations made against him. He argued that his disposal in the DRT was, in fact, the highest amongst all the Presiding Officers, and that the complaints that have been instituted against him are *mala fide*. In my view, it is not appropriate to adjudicate these contentions at the present stage. Disciplinary proceedings still remain pending, and the petitioner's submissions on merits must first be addressed there. Reference in this regard may be made to the judgment in *Union of India v. Kunisetty Satyanarayana*¹¹, wherein the Supreme Court held that ordinarily, no writ lies against a show cause notice or chargesheet. The mere initiation of disciplinary proceedings by issuance of a chargesheet does not give rise to a cause of action, as it does not amount to an adverse order affecting the rights of a party, unless the same has been issued by a person/authority lacking jurisdiction.

28. Several judgments of the Supreme Court, including *Secretary*,



*Ministry of Defence & Ors. v. Prabhash Chandra Mirdha*¹², and *State of Jharkhand v. Rukma Kesh Mishra*¹³, have followed the law laid down by *Kunisetty*. The position has been summarised as follows in *Prabhash Chandra Mirdha*:

*“10. Ordinarily a writ application does not lie against a charge-sheet or show-cause notice for the reason that it does not give rise to any cause of action. It does not amount to an adverse order which affects the right of any party unless the same has been issued by a person having no jurisdiction/competence to do so. A writ lies when some right of a party is infringed. In fact, charge-sheet does not infringe the right of a party. It is only when a final order imposing the punishment or otherwise adversely affecting a party is passed, it may have a grievance and cause of action. Thus, a charge-sheet or show-cause notice in disciplinary proceedings should not ordinarily be quashed by the court. (Vide *State of U.P. v. Brahm Datt Sharma*¹⁴, *Bihar State Housing Board v. Ramesh Kumar Singh*¹⁵, *Ulagappa v. Commr.*¹⁶, *Special Director v. Mohd. Ghulam Ghouse*¹⁷ and *Union of India v. Kunisetty Satyanarayana*¹⁸.)*

*11. In *State of Orissa v. Sangram Keshari Misra*¹⁹ this Court held that normally a charge-sheet is not quashed prior to the conducting of the enquiry on the ground that the facts stated in the charge are erroneous for the reason that to determine correctness or truth of the charge is the function of the disciplinary authority. (See also *Union of India v. Upendra Singh*²⁰.)*

12. Thus, the law on the issue can be summarised to the effect that the charge-sheet cannot generally be a subject-matter of challenge as it does not adversely affect the rights of the delinquent unless it is established that the same has been issued by an authority not competent to initiate the disciplinary proceedings. Neither the disciplinary proceedings nor the charge-sheet be quashed at an initial stage as it would be a premature stage to deal with the issues. Proceedings are not liable to be quashed on the grounds that

¹¹ (2006) 12 SCC 28, paragraphs 13-16, [hereinafter, “*Kunisetty*”].

¹² (2012) 11 SCC 565, [hereinafter, “*Prabhash Chandra Mirdha*”].

¹³ 2025 SCC OnLine SC 676, [hereinafter “*Rukma Kesh Mishra*”].

¹⁴ (1987) 2 SCC 179 : (1987) 3 ATC 319 : AIR 1987 SC 943.

¹⁵ (1996) 1 SCC 327.

¹⁶ (2001) 10 SCC 639 : AIR 2000 SC 3603 (2).

¹⁷ (2004) 3 SCC 440 : 2004 SCC (Cri) 826 : AIR 2004 SC 1467.

¹⁸ (2006) 12 SCC 28 : (2007) 2 SCC (L&S) 304.

¹⁹ (2010) 13 SCC 311, Pages. 315-16, paragraph 10.

²⁰ (1994) 3 SCC 357 : 1994 SCC (L&S) 768 : (1994) 27 ATC 200.



proceedings had been initiated at a belated stage or could not be concluded in a reasonable period unless the delay creates prejudice to the delinquent employee. Gravity of alleged misconduct is a relevant factor to be taken into consideration while quashing the proceedings.”²¹

29. In fact, in the recent decision in *Rukma Kesh Mishra*, the Supreme Court cited *Kunisetty*, and held that a jurisdictional question with regard to the issuance of a chargesheet could have been addressed by the High Court, as it had been raised after the writ petitioner had already suffered an order of dismissal.

30. In deference to the above, the question which requires consideration at this stage, is whether the orders passed by the respondent against the petitioner, were made *intra vires* its powers and *bona fide*.

31. As far as the disciplinary proceedings against the petitioner are concerned, it is not disputed that the procedure to be followed is provided under Rule 9 of the TCS Rules. The petitioner’s position as Presiding Officer of the DRT, admittedly falls within the definition of “Chairperson” under Section 2(a) of the Tribunal Reforms Act, 2021 [“TR Act”]. Rule 9 of the TCS Rules provides for a preliminary scrutiny to be undertaken upon receipt of a complaint containing a definite charge of misbehaviour or incapacity against a Member or the Chairperson of the Tribunal. If, upon such scrutiny, the Central Government finds reasonable grounds to conduct an inquiry, a reference is required to be made to the SCSC, being the Committee defined in Rule 2(c) of the TCS Rules read with Section 3(3) of the

²¹ Emphasis supplied.



TR Act. The SCSC is then required to conduct an inquiry, or to have an inquiry conducted by a sitting or former Judge of the Supreme Court, or by a Chief Justice of a High Court, if the inquiry is against the Chairperson.

32. The factual narration above shows that this procedure was adopted in the present case. The Central Government, faced with complaints from the Bar Association, and the orders of the Constitutional Courts as recorded above, caused a preliminary scrutiny to be conducted by the Chairperson, DRAT. The petitioner was granted an opportunity of hearing even at the stage of scrutiny, and his response was duly considered in the report of the Chairperson, DRAT. The decision to place the matter before the SCSC was also justified by the report of the Chairperson, DRAT. The disciplinary proceedings commenced with the issuance of the chargesheet on 26.02.2024, on the recommendation of the SCSC as provided under Rule 9. The report of the Chairperson, DRAT was also furnished, and two former Chief Justices of High Courts have successively been appointed as Inquiry Officers.

33. I do not find any jurisdictional or procedural defect in such a procedure. No statutory provision, rules, office memorandum or judgments were cited by the petitioner in support of his contentions in this regard.

34. There is also no merit in the petitioner's submission that the UoI had no jurisdiction to issue a chargesheet against him. His submission that disciplinary authority was in fact the SCSC, is not borne out by Rule 9 of the TCS Rules. The Rule, in fact, requires the



SCSC to submit a report to the Central Government, which is the designated authority. It is clear from Section 4 of the TR Act that the power to remove a Chairperson or Member from office vests in the Central Government. This position is also fortified by Rules 12(2) and 13 of the CCS (CCA) Rules, which vest the President with disciplinary authority over a Government servant. Even if it were to be suggested that the TR Act and the TCS Rules are silent as to the identification of the disciplinary authority, these provisions would fill the lacuna by virtue of Rule 16 of the TCS Rules.

35. The powers of the President in this regard have been vested in the Ministry under Rule 3 of the Government of India (Transaction of Business Rules), 1961. Mr. Prakash has also placed on record an Office Memorandum [No. F.39/1/69-Ests-(A)] of the Ministry of Home Affairs dated 16.04.1969 which clarifies that in cases where the disciplinary authority is President, initiation of disciplinary proceedings should be approved by the concerned Minister. This procedure has been followed in the present case.

36. The appointment of an inquiry officer prior to the issuance of a chargesheet does not, in my view, vitiate the disciplinary proceedings. The petitioner's submission to this effect, was entirely unsupported by any reference to legal provisions or judgments. Further, no prejudice attaches to such an appointment, so long as the procedure of an inquiry and the inquiry officer appointed are otherwise in consonance with the TR Act and TCS Rules. Mr. Prakash drew my attention to a judgment of the Full Bench of Central Administrative Tribunal in *R.D.*



*Gupta v. UoI & Anr.*²². In my view, the position of law has correctly been summarised in Para 29 of the judgment thus:

“A Division Bench comprising Shri P.K. Kartha, Vice-Chairman (Judicial) and Shri D.K. Chakravorty, Administrative Member, made a reference by an order dated 18-1-1991 to constitute a larger Bench to consider the following question:

“Whether there is any legal or constitutional bar to the appointment of an enquiring authority and the presenting officer envisaged in Rules 14(5)(6) and (c) simultaneously with a service of a memorandum on a Government servant proposing to hold an enquiry against him pursuant to Rule 14(3) and before the expiry of the time-limit specified for submitting a written statement of the defence of the Government servant concerned under Rule 14(4) of the CCS (CCA) Rules, 1965.”

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29. Our answer, therefore, is as follows:

(1) Where the Enquiry Officer has been appointed simultaneously with the issue of the charge-sheet or even before the receipt of the written statement of defence from the delinquent officer, it may be an irregular exercise of power but does not amount to an illegality unless it is shown that a prejudice has been caused to the delinquent Government servant.

(2) Sub-rule (5)(a) of Rule 14 of the CCS (CCA) Rules contemplates the appointment of an Enquiry Officer after the receipt of the written statement of defence. But its breach by a premature appointment does not result in vitiating the disciplinary proceedings so long as no prejudice has been caused to the delinquent Government servant We order accordingly.”²³

37. The petitioner lastly submitted that the particulars of his alleged misbehaviour with lawyers had not been disclosed in the chargesheet. As far as this aspect is concerned, this is a matter for inquiry and does not affect the validity of the chargesheet itself. The petitioner referred to two judgments, *C. Ravichandran Iyer v. Justice A.M. Bhattacharjee & Ors.*²⁴

²² 1991 SCC OnLine CAT 35.

²³ Emphasis supplied.

²⁴ (1995) 5 SCC 457.



and *Ashwini Kumar Upadhyay*, to submit that a Bar Association has no authority to make complaints based on the judicial conduct of an officer discharging functions as a Presiding Officer of a Tribunal. This point, in my view, does not arise in the present case, both because it goes to the merits of the disciplinary proceedings, and because the judgments and orders of the Punjab and Haryana High Court provided sufficient basis for the actions initiated by the Union of India.

38. In view of the above, I do not find any merit in the petitioner's contention that the institution of proceedings against him was ultra vires the powers of the Central Government. Having regard to the series of orders of Punjab and Haryana High Court referred to above, I also find no merit in the allegation of mala fides in initiation of such proceedings.

b. *Validity of orders regarding suspension*

39. Meanwhile, as far as the suspension order dated 13.02.2024 is concerned, the parameters of judicial review are very limited. The judgment of the Supreme Court in *Union of India vs. Ashok Kumar Aggarwal*²⁵, cited by Mr Prakash, make this position clear.

“26. The scope of interference by the Court with the order of suspension has been examined by the Court in a large number of cases, particularly in State of M.P. v. Shardul Singh²⁶, P.V. Srinivasa Sastry v. Comptroller & Auditor General²⁷, ESI v. T. Abdul Razak²⁸, Kusheshwar Dubey v. Bharat Coking Coal Ltd.²⁹, Delhi Cloth & General Mills Ltd. v. Kushal Bhan³⁰, U.P. Rajya Krishi Utpadan Mandi Parishad v. Sanjiv Rajan³¹, State of Rajasthan v. B.K.

²⁵ (2013) 16 SCC 147.

²⁶ (1970) 1 SCC 108.

²⁷ (1993) 1 SCC 419 : 1993 SCC (L&S) 206 : (1993) 23 ATC 645.

²⁸ (1996) 4 SCC 708 : 1996 SCC (L&S) 1061.

²⁹ (1988) 4 SCC 319 : 1988 SCC (L&S) 950.

³⁰ AIR 1960 SC 806.

³¹ 1993 Supp (3) SCC 483 : 1994 SCC (L&S) 67 : (1993) 25 ATC 764.



*Meena*³², *Prohibition and Excise Deptt. v. L. Srinivasan*³³ and *Allahabad Bank v. Deepak Kumar Bhola*³⁴, wherein it has been observed that even if a criminal trial or enquiry takes a long time, it is ordinarily not open to the court to interfere in case of suspension as it is in the exclusive domain of the competent authority who can always review its order of suspension being an inherent power conferred upon them by the provisions of Article 21 of the General Clauses Act, 1897 and while exercising such a power, the authority can consider the case of an employee for revoking the suspension order, if satisfied that the criminal case pending would be concluded after an unusual delay for no fault of the employee concerned. Where the charges are baseless, mala fide or vindictive and are framed only to keep the delinquent employee out of job, a case for judicial review is made out. But in a case where no conclusion can be arrived at without examining the entire record in question and in order that the disciplinary proceedings may continue unhindered the court may not interfere. In case the court comes to the conclusion that the authority is not proceeding expeditiously as it ought to have been and it results in prolongation of sufferings for the delinquent employee, the court may issue directions. The court may, in case the authority fails to furnish proper explanation for delay in conclusion of the enquiry, direct to complete the enquiry within a stipulated period. However, mere delay in conclusion of enquiry or trial cannot be a ground for quashing the suspension order, if the charges are grave in nature. But, whether the employee should or should not continue in his office during the period of enquiry is a matter to be assessed by the disciplinary authority concerned and ordinarily the court should not interfere with the orders of suspension unless they are passed in mala fide and without there being even a prima facie evidence on record connecting the employee with the misconduct in question.

27. Suspension is a device to keep the delinquent out of the mischief range. The purpose is to complete the proceedings unhindered. Suspension is an interim measure in the aid of disciplinary proceedings so that the delinquent may not gain custody or control of papers or take any advantage of his position. More so, at this stage, it is not desirable that the court may find out as to which version is true when there are claims and counterclaims on factual issues. The court cannot act as if it is an appellate forum de hors

³² (1996) 6 SCC 417 : 1996 SCC (L&S) 1455.

³³ (1996) 3 SCC 157 : 1996 SCC (L&S) 686 : (1996) 33 ATC 745.

³⁴ (1997) 4 SCC 1 : 1997 SCC (L&S) 897.



the powers of judicial review.”³⁵

40. The parties have joined issue as to whether an order of suspension is to be regarded as a “punishment” or not. The petitioner cited the decision of the Constitution Bench of the Supreme Court in *Khem Chand*, which held that a suspension order is certainly injurious to the employee, whereas Mr. Prakash referred to *State of Orissa v. Bimal Kumar Mohanty*³⁶, to submit that it is not a punishment at all. I do not consider it necessary to delve deeper into the characterization of the order; for the present purposes, suffice it to note that the limited scope of judicial review has been consistently maintained in relation to suspension orders. I therefore propose to examine the jurisdictional issue raised by the petitioner.

41. The petitioner’s contention that Rule 16 of the TCS Rules does not permit UoI to pass an order of suspension, does not appeal to me. Rule 16 provides for applicability of rules admissible to Group ‘A’ officers of the Government of India to the Chairperson or Members of Tribunal in respect of matters for which the rules make no express provisions. Suspension falls within that class of matters, and the provisions of CCS (CCA) Rules with regard to suspension would, therefore, apply. The petitioner’s argument was that Rule 16 applies only to incorporate provisions beneficial to the employees. For this purpose, he relied upon the word “*admissible to a Government of India officer....*” in Rule 16 of the TCS Rules. I find no justification for such a restrictive reading of Rule 16. The word “*admissible*” refers to the terms and conditions of

³⁵ Emphasis supplied.

³⁶ (1994) 4 SCC 126.



service and does not seek to restrict those, except to the extent they are covered by the express provisions of TCS Rules themselves.

42. In view of the above interpretation of the Rules, the petitioner's arguments, based upon Section 17A of the RDB Act, and the submissions of UoI before the Punjab and Haryana High Court, also do not appeal to me. Firstly, the petitioner is relying only upon submissions, and not upon any order of the High Court. Such submissions cannot foreclose a proper construction of the Rules by this Court. Second, the submissions also record that the matter was then pending before the SCSC, whereas the suspension orders were passed after the SCSC had made its recommendations.

43. The petitioner also submitted that the position in a Tribunal is not a civil post at all, and the CCS (CCA) Rules, therefore, do not apply to the petitioner's case. This submission is also misconceived, as CCS (CCA) Rules apply by way of incorporation in TCS Rules, which do admittedly apply to Tribunal members. In this context, having regard to the fact that it is the TCS Rules which have incorporated the CCS (CCA) Rules in their applicability to members of the Tribunal, the petitioner's contention that UPSC must also be consulted is erroneous.

44. W.P.(C) 8478/2025 concerns the order dated 13.05.2024, by which the petitioner's suspension was extended from 13.05.2024 to 09.11.2024. As noted above, this Court has already considered the petitioner's challenge to a subsequent order of extension of suspension dated 05.11.2024 (from 09.11.2024 to 08.05.2025) in W.P. (C) 15933/2024. The writ petition was dismissed by judgment dated 03.03.2025 which was upheld by the Division Bench vide judgment



dated 01.07.2025 in LPA 204/2025. The petitioner filed a Special Leave Petition [SLP (C) 23602/2025] against the said judgment. Although the petition had not been listed until the hearing of this petition, the website of the Supreme Court reveals that the SLP was also dismissed by order dated 29.08.2025.

45. The petitioner did not advance any substantial arguments in this writ petition, contending that the arguments had already been dealt with in the earlier judgments. In fact, he submitted that this Bench ought not to deal with this writ petition, having decided the petitioner's earlier writ petition. I do not consider this to be a ground for recusal. In the present case, in any event, the subsisting judgment in the petitioner's challenge to the second extension of suspension was the judgment of the Division Bench dated 01.07.2025 by which this Court is bound. In view of the above, the petitioner's challenges to the suspension order dated 13.02.2024, and the order of extension of suspension dated 13.05.2024, are rejected.

E. CONCLUSION:

46. For the aforesaid reasons, I find no merit in the petitions, which are accordingly dismissed.

47. All pending applications also stand disposed of.

PRATEEK JALAN, J

SEPTEMBER 26, 2025

UK/PV/Jishnu/