



2025:DHC:6607-DB



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

Date of decision: 07.08.2025

+ W.P.(C) 11805/2025 & CM APPL. 48208/2025, CM APPL.
48209/2025
SAURABH KUMAR MALLICKPetitioner
Through: Mr.Praveen Kumar Singh,
Mr.C.Sanal Nambiar,
Ms.Chetna Singh and
Mr.Neeraj Kumar Mishra,
Advs.

versus

UNION OF INDIA & ANR.Respondents
Through: Mr.Varun Vats, SPC for R-1.
Dr.S.S. Hooda, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 16.05.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No.1840/2025, titled ***Saurabh Kumar Mallick v. Union of India & Anr.***, disposing of the O.A. filed by the petitioner herein as being premature and reserving liberty in the petitioner to avail the statutory remedy available to him in accordance with the rules, if so advised.
2. The petitioner had filed the above O.A. *inter alia* challenging



the Suspension Order dated 03.04.2025 whereby the petitioner had been placed under suspension, as also the Memorandum dated 11.04.2025 whereby he was asked to show cause as to why disciplinary proceedings be not initiated against him.

3. The learned counsel for the petitioner submits that the Impugned Suspension Order had been issued by the respondents without stating any reasons for placing the petitioner under suspension. He further submits that the allegations contained in the Impugned Memorandum dated 11.04.2025 are false. He further states that though he has filed an appeal against the Impugned Suspension Order on 05.05.2025, the same is yet to be considered by the respondents, while in the meantime, the respondents have further extended the suspension *vide* Order dated 30.06.2025.

4. On the other hand, the learned counsel for the respondents, who appears on advance notice of this petition, submits that even as per Annexure P-4 that has been filed along with the present petition, the appeal has been filed only against the Impugned Memorandum dated 11.04.2025 and not against the Impugned Suspension Order dated 03.04.2025. He submits that in terms of Rule 23 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965, an appeal is maintainable even against an order of suspension. He submits that the petitioner has not availed of this remedy and, therefore, the learned Tribunal has rightly refused to interfere in the O.A. He further submits that there are grave charges against the petitioner and, therefore, his suspension was justified.



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5. Without entering into the merits of the allegations made by the respondents against the petitioner, the fact remains that the so-called appeal, which has been annexed as Annexure P-4, though claims itself to be against the Memorandum dated 11.04.2025 and not against the Suspension Order dated 03.04.2025, at the same time, has a prayer for the suspension to be revoked.

6. Keeping in view the above, we direct the competent authority of the respondents to consider Annexure P-4 as an appeal of the petitioner against his Suspension Order as well, and pass a speaking order thereon within a period of two weeks from today, communicating the same to the petitioner. In case the petitioner is aggrieved by the same, it shall be open to the petitioner to challenge the same in accordance with the law.

7. The petition, along with the pending applications, is disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 7, 2025/ns/SJ