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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 17059/2024 & CM APPL. 72330/2024

SHAMBHU NATH MAHTO

.....Petitioner

Through: Mr. Kundan Chandravanshi, M.A
Khan, Mr. Ankur Yadav, Mr. Anuj
Goswami, Mr. Ravi Kumar and Ms.
Prity, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Viplav Acharya, Senior Panel for
R-1I (through VC)
Mr. Amitesh Kumar, Ms. Priti
Kumari and Mr. Pankaj Kumar Ray,
Advs. for R-2 to R-4.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

19.12.2025

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1. This petition is filed seeking quashing of the suspension order dated 31.01.2023.
2. The brief facts are that the petitioner is posted as Section Officer with the Indian Council of Social Science Research (ICSSR). The petitioner was arrested on 27.01.2023 in FIR No. 114/2023 registered at Police Station, Ranhola under Sections 304B, 498A and 34 of the Indian Penal Code.
 - 2.1 The petitioner was granted bail on 20.11.2023 and was released on 29.11.2023. The petitioner was suspended vide order dated 31.01.2023 invoking the powers under Section 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (in short 'the Rules') on the basis of being under custody in a criminal case.
 - 2.2 The Review Committee in its meeting held on 19.03.2024 deferred the consideration of extension of suspension or revocation thereof in view of



pendency of the trial. In the second meeting held on 07.06.2024, the Review Committee recommended that the suspension be maintained till the trial is concluded. Aggrieved of the non-revocation of suspension, after serving a legal notice dated 26.09.2024, this writ petition is filed.

3. Learned counsel for the petitioner submits that the suspension of the petitioner is illegal and in violation of the provisions of Rule 10 of the Rules.

4. Learned counsel for respondent no. 2 defends the impugned order and submits that the petitioner remained in custody for ten months. It is submitted that the trial is still pending and the order was passed under Rule 10 (1) (b) of the Rules.

5. Heard learned counsel for the parties at length.

6. Rule 10 of the Rules deals with suspension. Under Rule 10 (1) of the Rules, the appointing authority, disciplinary authority or any other authority empowered in this behalf may suspend a government servant in case of contemplation of disciplinary proceedings; if the authority is of the opinion that the employee is engaged in activities prejudicial to the interests of the state or where a case of a criminal offence against the employee is under investigation, inquiry or trial.

7. Sub Rule (2) of Rule 10 of the Rules deals with deemed suspension where the employee is detained in custody for a period exceeding forty eight hours. Sub Rule (6) of Rule 10 of the Rules stipulates that the initial suspension order is to be reviewed before expiry of ninety days from the effective date of suspension. The Review Committee is empowered to pass orders either extending or revoking the suspension. Subsequent reviews are to be undertaken before expiry of the extended period of suspension. The suspension cannot be extended for more than one hundred and eighty days at



a time.

8. In the present case, the petitioner was suspended vide order dated 31.01.2023 for being detained in custody for more than forty-eight hours. The suspension order was required to be reviewed as per Sub Rule (6) of Rule 10 of the Rules before expiry of ninety days however, the meeting of the Review Committee was convened on 19.03.2024 i.e. after more than fourteen months and the matter was deferred. The second meeting by the Review Committee was held on 07.06.2024 extending suspension till pendency of trial and thereafter till date, no further proceedings have been undertaken by the Review Committee.

9. The recommendation for extension of suspension in the meeting held on 07.06.2024 was on account of pendency of trial which falls within the teeth of Rule 10 (6) of the Rules. The extension of suspension cannot be beyond one hundred and eighty days at a time.

10. The extension made beyond one hundred and eighty days coupled with the fact that no review of the suspension order was undertaken after 07.06.2024 renders the continuation of the suspension order contrary to Rule 10 (6) of the Rules and is consequently quashed.

11. The writ petition is accordingly allowed. Pending application stands disposed of.

AVNEESH JHINGAN, J

DECEMBER 19, 2025/Pa