



2025:DHC:11931-DB



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

Date of decision: 23.12.2025

+ W.P.(C) 19586/2025
UNION OF INDIA

.....Petitioner

Through: Mr.Siddhartha Shankar Ray,
CGSC with Mr.Atishay Jain,
Adv.

versus

GALI SREEDHAR

.....Respondent

Through: Dr.B. T. Kaul, Mr.U. D.
Bhargava and Mr.Pranjal
Jaiswal, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CAV 499/2025

1. As the learned counsel for the respondent has entered appearance, the caveat stands discharged.

CM APPL. 81891/2025 (Exemption)

2. Allowed, subject to all just exceptions.

W.P.(C) 19586/2025 & CM APPL. 81890/2025

3. This petition has been filed by the petitioner challenging the Order dated 05.08.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O.A. No.4597/2024, titled *Gali Sreedhar v. Union of*



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India, setting aside the Impugned Suspension Order and the subsequent extensions thereof.

4. To give a brief background of the facts in which the present petition arises, the respondent was arrested on 21.04.2019 by the Central Bureau of Investigation and was sent to judicial custody on an allegation of acceptance of a bribe of Rs.27 lacs for clearing the construction bills of Hyderabad based M/s N.S.S. Infrastructure Company. RC No. 05(A)/2019-CBI-HYD dated 20.04.2019 under Sections 7 & 8 of the Prevention of Corruption (Amendment) Act, 2018, and Section 120-B of the Indian Penal Code, 1860, was also registered against the respondent. He was later repatriated to his Parent Department *vide* Order dated 23.04.2019.

5. The respondent was granted bail *vide* Order dated 03.06.2019 passed by the learned Principal Special Judge and was consequently released from judicial custody on 06.06.2019. He informed the Department of his release on the same day itself.

6. The initial period of 90 days of deemed suspension, therefore, came to an end on 19.07.2019.

7. An Order, purporting to be under Rule 10(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (hereinafter referred to as the, 'Rules'), for his deemed suspension was, however, passed, by the petitioner only on 30.08.2019. Thereafter, further Extension Orders were passed, all of which came to be challenged by the petitioner in the above O.A.

8. The learned Tribunal has allowed the above O.A. by its Impugned Order, placing reliance on the Judgment of this Court in



Union of India & Ors. v. Akil Ahmad, 2025:DHC:1901-DB, wherein interpreting Rule 10(7) of the Rules, this Court held as under:

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

9. The learned Tribunal has also placed reliance on the judgment of the Supreme Court in ***Union of India & Ors. v. Dipak Mali***, (2010) 2 SCC 222, wherein it was held as under:

“10. Having carefully considered the submissions made on behalf of the parties and having also considered the relevant dates relating to suspension of the respondent and when the petitioners' case came up for review on 20-10-2004, we are inclined to agree with the views expressed by the Central Administrative Tribunal, as confirmed by the High Court, that having regard to the amended provisions of sub-rules (6) and (7) of



Rule 10, the review for modification or revocation of the order of suspension was required to be done before the expiry of 90 days from the date of order of suspension and as categorically provided under sub-rule (7), the order of suspension made or deemed would not be valid after a period of 90 days unless it was extended after review for a further period of 90 days”

10. The learned counsel for the petitioner submits that the learned Tribunal has failed to appreciate that in the present case, the respondent was deemed to have been suspended on account of his arrest for more than 48 hours, in terms of Rule 10(2) of the Rules. He submits that it would only be on his release and intimation thereof that the 90 days period would commence for the purposes of extending the period of suspension under Rule 10(7) of the Rules. He places reliance on the Judgment of this Court in ***Govt. of NCT of Delhi v. Dr. Rishi Anand***, (2017) SCC OnLine Del 10506, and specifically on Paragraph 25 thereof, which reads as under:-

“25. Thus, it is only if the suspension is not extended after review within the initial period of 90 days (in a case to which sub-rule (2) does not apply), that the suspension of the government servant would lapse automatically. In all other cases, the suspension would continue unless and until it is modified or revoked by the competent authority though it would not imply that there is no requirement to conduct periodic renewal of the suspension. This is so provided in sub-rule (5)(a) of Rule 10, which reads as follows:

“10(5)(a) Subject to the provisions contained in sub-rule (7), an order of suspension made or deemed to have been made under this rule shall continue to



*remain in force until it is modified or revoked
by the authority competent to do so.”*

(Emphasis supplied)

11. We have considered the submissions made by the learned counsels for the parties.

12. The issue raised in the present petition is no longer *res integra* and has been considered by us in our judgment in **Akil Ahmad** (supra), wherein we held that the proviso to Rule 10(7) of the Rules is applicable only where a government employee continues to remain under detention at the expiry of the 90 days period of his deemed suspension.

13. In the present case, admittedly, the respondent had been released from custody prior to the expiry of the said period and intimation thereof had also been sent by him to the petitioner. Therefore, the petitioner was not entitled to seek the benefit of the proviso to Rule 10(7) of the Rules and the review of the suspension should have taken place within 90 days of the deemed suspension of the respondent under Rule 10(2) of the Rules. In fact, the order dated 30.08.2019 is not even passed under Rule 10(7), but under Rule 10(2) of the Rules. We fail to understand how the petitioner could have invoked Rule 10(2) of the Rules at that stage.

14. As far as the reliance placed on the judgment of this Court in **Dr. Rishi Anand** (supra) is concerned, the respondent therein had been placed under suspension in contemplation of disciplinary proceedings. It was in that context that the Court held that even where a charge sheet is not issued to the delinquent employee before the



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expiry of 90 days, the period of suspension can still be extended for till three months. Paragraph 25 and specifically the bracketed portion thereof, as quoted hereinabove, is not the ratio of the judgment. Accordingly, the same will have no application to the facts of the present case.

15. In view of the above, we find no merit in the present petition. The same, along with the pending application, is accordingly, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 23, 2025/sg/SS