



2025:DHC:1246-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9911/2017**

UNION OF INDIA AND ANRPetitioners
Through: Mr. P.S. Singh, CGSC with Mr.
Annu Singh and Mr. Rohit Singh Lodhi,
Advocates

versus

SYED SAJID ALIRespondent
Through: Mr. Ankur Chhibber, Amicus
Curiae.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)
24.02.2025

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C. HARI SHANKAR, J.

1. The limited issue arising for consideration in the present writ petition is the date which is to be treated as the “effective date of suspension” for the purposes of Rule 10(6) and (7)¹ of the Central

¹ (6) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority competent to modify or revoke the suspension, before expiry of ninety days from the effective date of suspension, on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.

(7) An order of suspension made or deemed to have been made under sub-rules (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 suspension at the time of completion of ninety days of suspension and the ninety days period in such case will count 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.



2025:DHC:1246-DB



Civil Services (Classification, Control and Appeal) Rules, 1965².

2. Consequent to his conviction and sentence by the Court of Special Judge, CBI, in a case registered against him under Section 13(1) read with 13(2) of the Prevention of Corruption Act, 1988, the respondent was placed under suspension *vide* order dated 3/4 October 2012. The order of suspension reads thus :

“No. 221/8/2002-AVD-II
Government of India
Ministry of Personnel, Public Grievances and
Pensions
(Department of Personnel and Training)
(AVD.II B)

New Delhi, dated the 03rd Oct, 2012 / 04th Oct, 2012

ORDER

'WHEREAS a case RC 1242012A0005 was registered against Shri S.S. Ali, Dy. SP, CBI and a Chargesheet was filed against Shri S.S. Ali, DSP/CBI in the Court 'of Special Judge, CBI Cases U/s 13(2) r/w 13(1) of Prevention. of Corruption Act, 1988 on 13/08/2002.

AND WHEREAS, after conclusion of the trial, the Hon'ble Court of Special Judge, CBI Cases, Saket District, Court, New Delhi, has convicted Shri. S.S. Ali, DSP/CBI and held him guilty under Section 13(1) (e) r/w Section 13(2) of Prevention of Corruption Act, 1988 and the said Shri S.S. Ali has been sentenced on 18/08/2012 to undergo simple imprisonment for one year and to pay a fine of Rs. One lac under the above provisions of Law.

NOW, THEREFORE, the President, in exercise of the powers conferred by Rule 19 (i) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby places the said Shri. S.S. Ali, Dy. Supdt, of Police, CBI under suspension with immediate effect.

It is further ordered that during the period this order shall remain in force/ the headquarters of Shri S.S. Ali -shall be New

Signature Not Verified² “the CCS (CCA) Rules”, hereinafter

Digitally Signed By: AWP.(C) 9911/2017
KUMAR
Signing Date: 27.02.2025
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Page 2 of 7



2025:DHC:1246-DB



Delhi and the said Shri S.S. Ali shall not leave the headquarters without obtaining the previous permission of the undersigned.

By order and in the name of the President.

(M.P. Rama Rao)
Under Secretary to the Govt. of India)

3. Consequent on recommendations of the Review Committee, the order of suspension was further extended by a period of 180 days each time,

- (i) with effect from 14 January 2013 by order dated 15 January 2013,
- (ii) with effect from 14 July 2013 by order dated 12 July 2013,
- (iii) with effect from 10 January 2014 by order dated 6 January 2014, and
- (iv) with effect from 9 July 2014 by order dated 7 / 8 July 2014.

4. The respondent was dismissed from service on 31 October 2014.

5. The respondent thereafter instituted OA 3836/2014 before the Central Administrative Tribunal³, contending that all extensions of his suspension, were illegal. His case was that, by operation of sub-Rules (6) and (7) of Rule 10 of the CCS (CCA) Rules, an order of suspension had to be extended before the expiry of 90 days from the effective date of suspension. The respondent contended that as the order of suspension dated 3/4 October 2012 had taken effect



immediately, the period of 90 days would expire on or around 3 January 2013, so that the order of extension of suspension, which was passed on 15 January 2013 by the Review Committee which met for the purpose on 14 January 2013 was meaningless. As a result, it was submitted that all subsequent orders of extension would also fall to the ground.

6. The Tribunal has, relying on the judgment of the Supreme Court in *State of Punjab v Khemi Ram*⁴ held in favour of the respondent and has set aside all extensions of the respondent's suspension, starting from the first extension, which was by order dated 15 January 2013. Para 8 of the judgment of the Tribunal, which contains the operative directions, reads thus:

"8. For the above reasons, all the impugned orders referred to hereinabove are hereby set aside, and thus the relief claimed at para 8 (a) is allowed to the applicant. At the time of filing of this Application, the applicant was still in service. He has, however, retired from service on 31.10.2014. The applicant has also prayed for consequential benefits arising from setting aside of the order. As a consequence of setting aside the suspension, the respondents were/are under statutory obligation to pass consequential order in terms of Fundamental Rule (FR) 54-B. Relevant extract of FR 54-B is reproduced hereunder:

"F.R. 54-B. (1) When a Government servant who has been suspended is reinstated or would have been so reinstated but for his retirement (including premature retirement) while under suspension, the authority competent to order reinstatement shall consider and make a specific order –

(a) Regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with reinstatement or the date of his retirement (including premature retirement), as the case may be; and

³ "the Tribunal" hereinafter

⁴ (1969) 3 SCC 28



2025:DHC:1246-DB



(b) whether or not the said period shall be treated as a period spent on duty."

The respondents are accordingly directed to take a decision in terms of FR 54-B regarding treatment of the period of suspension and consequential payment of salary and other emoluments for the period of suspension, as also the retiral benefits etc., as a consequence of setting aside of the impugned orders, within a period of three months and release the admissible benefits within one month thereafter, if not already paid."

7. Aggrieved by the aforesaid decision, the respondent before the Tribunal has approached this Court by means of the present writ petition.

8. We have heard Mr. P.S. Singh, learned Counsel for the petitioner, at length. As there was no representation on behalf of the respondent, Mr. Ankur Chhibber was requested to assist the Court as *amicus curiae*. He has done so, and we express our appreciation for the assistance rendered by him.

9. The entire substratum of the petitioner's case was predicated on the fact that the order of suspension, though dated 3/4 October 2012, could be communicated to the respondent only on 18 October 2012, as he was on leave till then. As such, it is sought to be contended that the effective date of suspension would be 18 October 2012. For this purpose, Mr. Singh also seeks to place reliance on the fact that the grant of subsistence allowance to the respondent commenced from 19 October 2012.

10. We are unable to accept the said submission, for the simple



reason that the order of suspension itself states that it was being issued *with immediate effect*.

11. The use of the words “with immediate effect” in the date of suspension, in our view, can lead to only one inference, that the effective date of suspension was the date when it was issued, that is, 3 October 2012.

12. Thus seen, the period of 90 days from 3 October 2012 expired on or around 3 January 2013. Rule 10(6) and (7) of the CCS (CCA) Rules, therefore, required the order of extension of suspension to have been issued on or before 3 January 2013.

13. In the present case, however, the Review Committee, which sat to consider the question of extension of the respondent’s suspension itself met on 14 January 2013. The order of suspension was passed on 15 January 2013.

14. Rule 10(6) and (7) of the CCS(CCA) Rules are clear in their mandate that an order of extension would automatically come to an end on the expiry of six months from the effective date of suspension unless it was extended prior thereto.

15. No order of extension of suspension having been made prior to 3/4 January 2013, the first extension of the respondent’s suspension, as well as all subsequent extensions of the respondent’s suspension were rendered illegal. The Tribunal is, therefore, correct in the view it took.



2025:DHC:1246-DB



16. We may in this context, refer profitably to para 10 of the judgment of the Supreme Court in *UOI v. Dipak Mali*⁵ :

“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.”

17. No cause of interference with the judgment of the Tribunal can be said to exist.

18. The writ petition is, accordingly, dismissed with no orders as to costs.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 24, 2025/yg

Click here to check corrigendum, if any