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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5300/2026

1.THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE CHIEF SECRETARY,
JANTA BHAWAN, DISPUR, GUWAHATI - 781006, ASSAM.

2: THE COMMISSIONER SECRETARY
PERSONNEL (A) DEPARTMENT
JANTA BHAWAN DISPUR GUWAHATI-781006 ASSAM.

3: THE SECRETARY
PERSONNEL (A) DEPARTMENT
GOVERNMENT OF ASSAM
JANATA BHAWAN DISPUR
GUWAHATI 781006 ASSAM

VERSUS

1.INDRESWAR KALITA ALIAS INDRA KALITA IAS AND ANR
S/O- LATE JADAV KALITA ALIAS JADAB DAS,
RESIDENT OF 4TH FLOOR, NIVANA TOWER,
R.G BARUAH ROAD, NEAR RAJDHANI NURSERY,
GUWAHATI, P.S. -DISPUR, DISTRICT-KAMRUP M, ASSAM.

2:UNION OF INDIA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL PUBLIC GRIEVANCES
NEW DELHI 11000

For the Petitioner(s) **:** Mr. P. Nayak, Additional Advocate General, Assam, assisted by Ms. R. Barua, Advocate.

For the Respondent(s) **:** Mr. K.N. Choudhury, Senior Advocate, assisted by Mr. T. Kashyap, Advocate.

–B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

06.11.2026

(Ashutosh Kumar, CJ)

We have heard Mr. P. Nayak, learned Additional Advocate General, Assam for the petitioners and Mr. K.N. Choudhury, learned Senior Advocate for respondent No.1.

In this writ petition, the petitioners/*State of Assam & 2 Ors.* have challenged the order dated 29.01.2026 passed by the Central Administrative Tribunal, Guwahati Bench (hereinafter to be referred as the "Tribunal") in Original Application No.317/2025.

Respondent No.1, an All-India Service Officer, was arrested on 29.01.2025 by the Chief Minister's Vigilance Cell in connection with Vigilance P.S. Case No.2/2024. Since he remained in detention for more than 48 hours, he was suspended on 06.02.2025 but with effect from the date of his arrest, i.e. 29.01.2025 under the provisions contained in All-India Service (Discipline and Appeal) Rules, 1969 (in short, the "Rules of 1969").

The suspension of respondent No.1 was also confirmed by the Government of India.

On the recommendation of the Review Committee, the suspension of respondent No.1 was extended for a further period of 120 days with effect from 30.03.2025. In the meantime, on 20.06.2025, the

Investigating Officer in the criminal case submitted the charge-sheet against respondent No.1.

Respondent No.1 preferred Original Application No.259/2025 before the Tribunal.

At his instance, the disciplinary proceeding against him was stayed, pending criminal trial.

The Tribunal had actually directed the State not to insist for filing of the written statement in the disciplinary proceeding by respondent No.1.

Since there was no further extension of the suspension, which period had already expired, respondent No.1 preferred an appeal seeking revocation of his suspension on the ground that the suspension had lapsed and that he should be reinstated in service with effect from 28.07.2025.

It is the contention of the State that the Review Committee, in this instance, which met on 21.07.2025, recommended for further extension of his suspension for 180 days with effect from 29.07.2025 under Rule 3(8)(d) of the 1969 Rules, as reinstatement at that stage would not have been appropriate in public interest for the reason of grave charges against respondent No.1.

Pursuant thereto, it appears that vide Notification dated 02.08.2025, the suspension of respondent No.1 was extended. However, the Tribunal vide the impugned judgment found that such extension of suspension was not directed within the time prescribed under the Rules

and that such order granting extension of suspension was not made known to respondent No.1. As such, the Tribunal declared the suspension of respondent No.1 beyond 27.07.2025 as null and void and directed the authorities to reinstate him with effect from 28.07.2025.

No order with respect to pay, allowances and other financial benefits had been passed and the matter was left to the authority to take a decision under the relevant Rules within a fixed time line.

During the pendency of the present writ petition, respondent No.1 has already retired.

In that view of the matter, the present writ petition has become infructuous.

Dismissed as having become infructuous.

JUDGE **CHIEF JUSTICE**

Comparing Assistant