Judgment Dated: 16-11-2026
WBCHCA0375012026

Item Nos.6
Ct. No.1
RP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WP.CT 174 of 2026

1) UNION OF INDIA service through the Secretary, DARE & Director General, ICAR Ministry of Agriculture & Farmers Welfare, Room No.105, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi-110001.

2) Under Secretary (Vig-II), Ministry of Agriculture & Farmers Welfare, ICAR, Government of India at Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi-110001.

3) THE CHIEF VIGILANCE OFFICER (CVO), ICAR-DARE, Room No.102, First Floor, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi-110001.

4) THE DIRECTOR (Additional Charge), ICAR-CIFRI, having office at Indian Council of Agricultural Research-Central Inland Fisheries Research Institute, Barrackpore, 700120. **]…. PETITIONERS**

versus

1) DR. BASANTA KUMAR DAS, son of Late Janaki Ballava Das, Director, (Group-A), Indian Council of Agricultural Research-Central Inland Fisheries Research Institute, Barrackpore, Kolkata, residing at Director's Residence, ICAR-CIFRI, Barrackpore-700120. **] ..RESPONDENTS**

The President, ICAR Society (Union Minister of Agriculture),
Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi-110001.] .**Proforma Respondent**

Appearance:
Mr. Anindya Lahiri, Sr. Adv.
Mr. Samrat Dey Paul .....Advocates for Petitioners
Mr. M. A. Sardar
Mr. Saunak Goswami
Mr. Sandip Das .....Advocates for Respondent

CORAM: RAVINDRA VITHALRAO GHUGE,
CHIEF JUSTICE
&
SUPRATIM BHATTACHARYA, J.
Date: 16.11.2026

Judgment (Per Ravindra V. Ghuge, CJ)

1. **Rule.** Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Respondent was the Original Applicant before the Central Administrative Tribunal, Kolkata Bench at Kolkata, in OA No.520 of 2026. By order dated 15.06.2026, the Tribunal has allowed the OA and has quashed the order of suspension of the employee dated 26.02.2026 and the review order continuing the suspension dated 25.05.2026.

3. The dates and sequence of events can be summarized as under.

a) The Original Applicant is the Director (Group-A) of Indian Council of Agricultural Research-Central Inland Fisheries Research Institute, Barrackpore, Kolkata.

b) He was placed under suspension on 26.02.2026, pending disciplinary proceedings.

c) The Employee requested for supply of the preliminary report, on 03.03.2026.

d) The Employee again requested for the report and several documents, vide his communication dated 05.03.2026.

e) The Employee tendered a reminder dated 11.03.2026 and sent a representation of the even date through email seeking revocation of suspension.

f) On 19.03.2026, which is around 21 days after the suspension of the Applicant, OA No.520 of 2026 was filed placing reliance upon the judgment of the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary vs. Union of India through its Secretary & Anr.** reported

in **(2015) 7 SCC 291,** contending that a suspension could not be continued beyond 90 days.

g) The above prayer was made on the 21st day after suspension.

h) On 24.04.2026, the Tribunal passed an order directing the Employee to submit his reply to the show cause notice served upon him by the Employer. The Tribunal recorded that three months had not lapsed and a show cause notice dated 16.04.2026 was issued to the Employee, to which he had not tendered any reply.

i) In the hearing held on 15.06.2026, the Tribunal concluded that the suspension was continued beyond 90 days and the suspension order was quashed and set aside, as also the order of review dated 25.05.2026.

j) The Employee did not bring it to the notice of the Tribunal that vide Notification dated 19.10.2022, the service Rules were amended and the total period under suspension or deemed suspension was made extendable to a period of two-hundred and seventy days from the date of suspension. The Learned Advocate for the Employee concedes before us that the Employee had no knowledge of the said notification and there was no pleading to that effect in the memo of the OA before the Tribunal.

4. In the above backdrop, we notice from the record that the Union of India and the Employer of the Original Applicant, did not even get an opportunity of filing its Affidavit-in-Reply/Response to the pleadings in the OA. In the hearing on 15.06.2026, the Tribunal proceeded to pass the impugned order solely relying upon **Ajay Kumar Choudhary (supra)** and concluded that since the charge sheet was not yet issued to the Employee, the suspension should not have continued beyond three months. It is obvious before us that, by the amendment to the rules by the Notification dated 19.10.2022, a proviso was added to Sub-Rule 7 of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 which permitted the Employer to continue the suspension for a period of 270 days. The said amendment was published in the Gazette of India on 22.10.2022.

5. We find from the Impugned Order that the Tribunal has failed to consider that the OA was filed within 21 days after suspension. So also, an opportunity to file a Written Statement/reply was not accorded to the Respondents (who are petitioners before us).

6. Be that as it may, the law laid down in **Ajay Kumar Choudhary (supra)** has apparently been misread by the Tribunal. In

Ajay Kumar Choudhary (supra), the Hon'ble Supreme Court has concluded that if Memorandum of Charge/Charge Sheet is served, a reasoned order must be passed for extension/continuation of the suspension. The Government Department is free to transfer the suspended employee to any department in any of its offices within or outside the city so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. So also, the Hon'ble Supreme Court considered the case of **Ajay Kumar Choudhary (supra)** under the provisions of the Criminal Procedure Code.

7. In the instant case, none of the parties brought it to the notice of the Tribunal that the period of suspension was extendable to a period of 270 days inclusive of the first 90 days. So also, the Review Committee convened a review meeting before expiry of 90 days and by order dated 25.05.2026 the suspension was extended for a further period of 180 days. The Tribunal did not have the assistance on this issue from either of the parties, inasmuch as, the Tribunal did not even call the Employer to file its reply to the pleadings in the OA. No doubt the Employer was not precluded from submitting its reply when the matter was heard on 15.06.2026. Nevertheless, had it been brought to the notice of the

Tribunal that the suspension was extendable to a period of 270 days, the case could have been looked at differently.

8. The Learned Advocate for the Original Applicant/Employee has vehemently canvassed that though the Employee had initially tendered several applications for seeking various documents and a report from the Employer, now he has been transferred to Patna where he has joined without any demur and has not raised any grievance about such joining.

9. It is apparent from the record that grave and serious charges have been leveled upon the Employee. By a communication dated 29.05.2026, the competent Authority had concurred with the observations of the Vigilance Department and had directed initiation of departmental proceeding under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, keeping in view that grave charges against the Employee could attract a major penalty.

10. The learned Counsel for the Petitioner/Employer has brought to our notice the Articles of Charges against the Employee, alleging misappropriation of a huge amount, approximately Rs.5 crore. One of the Charges, being Article of Charge III, appears to be extremely grave. The

Employee was privately receiving royalty arising from commercialization of technologies licensed to two firms, namely, M/s. M.R. Aquatech and M/s. Glaucus Agrochem Pvt. Ltd. 57 purchase orders amounting to Rs.4.53 crore were placed with M.s. Glaucus Agrochem Pvt. Ltd. The Petitioner/Employer became the principal purchaser of the technologies commercialized through the aforesaid two firms and records reveal that the Employee received a royalty of Rs.23.03 lakh. There are further charges against the Employee in the nature of submission of multiple traveling allowance claims for the same official journey (double claims) and irregular processing of Government payments prior to supply/installation of goods and services.

11. We find that the impugned order rests purely on the law in **Ajay Kumar Choudhary (supra),** on the premise that a suspension could not have been allowed beyond 90 days. The Hon'ble Supreme Court has held in **Ajay Kumar Choudhary (supra)** that if suspension is extended for the purpose of serving a charge sheet, the Employer has to assign reasons. In the instant case, the Employer has held a review meeting on 25.05.2026 and invoked powers in the light of the amended Rules. Considering the gravity of the charges leveled upon the Employee which

was subject to the disciplinary proceedings, the suspension was continued. Since this aspect was not brought to the notice of the Tribunal, the Tribunal blindly proceeded on the premise that the suspension could not have continued beyond 90 days.

12. Taking into account all the above stated factors, we find that the Impugned Order of the Tribunal cannot be sustained. **This Writ Petition is, therefore, allowed**. The Impugned Order of the Tribunal dated 15.06.2026, is quashed and set aside. OA No.520 of 2026 stands dismissed.

13. The learned Advocate for the Employee submits that the Employee still continues under suspension even today and his headquarter has been changed by continuing his suspension. We direct that the suspension allowance shall be regularly paid subject to the formalities that are required to be complied with by the Employee. We also direct that the Employee would not resort to delaying tactics and shall render fullest cooperation in participation in the disciplinary proceedings and the said proceedings shall be completed as expeditiously as possible.

14. Since the departmental enquiry is being conducted at Delhi, Traveling Allowance and Daily Allowance shall be paid to the suspended

Employee, for the purpose of participation in the enquiry, regularly as per the rules and the mode of journey admissible to him. If the enquiry is not completed within the extended period of suspension, the Employer shall convene a review meeting and if there is pressing reason to continue the suspension, a reasoned order may be passed. If the Employee is aggrieved by the said order, he would be at liberty to assail the same.

15. The aspect as to whether the suspension can be further continued during the disciplinary proceedings, is left open to be dealt with by the Employer in accordance with the rules applicable, in the review meeting.

16. **Rule is made absolute in the above terms**.

17. **Pending Civil Application, if any, would not survive and stands disposed off**.

(SUPRATIM BHATTACHARYA, J.) **(RAVINDRA V. GHUGE)**
Chief Justice