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

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Date of Decision : 24.02.2026

+ **W.P.(C) 12975/2025 CM APPL. 53073/2025**

PRAMOD KUMAR

.....Petitioner

Through: Mr. Shreenath A Khemka, Mr.
Ganesh A Khemka, Ms. Vidhi Gupta
and Mr. Sarthak Sharma, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Iram Majid, CGSC, Mr. Shivam
Parashar, Mr. Mohd. Suboor, Mr.
Indresh Kumar, Joint Director,
Subedar (BRO) Ram Niwas

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO , J. (ORAL)

1. This petition has been filed by the petitioner with the following prayers:-

“a. Issue an appropriate writ, order or direction in the nature of certiorari quashing and setting aside the suspension order dated 03.06.2025 passed by the Respondents under Rule 10(1)(a) of the CCS (CCA) Rules, 1965;

b. Issue an appropriate writ, order or direction in the nature of mandamus directing the Respondents to immediately reinstate him in service at his present posting at HQ 32 BRTF with all consequential benefits, including but not limited to restoration of full pay and allowances.”



2. In effect, the petitioner is challenging his suspension order dated 03.06.2025 passed by the respondents under Rule 10(1)(a) of the CCS (CCA) Rules, 1965. The suspension order dated 03.06.2025, *inter alia*, reads as under:-

“WHEREAS, a disciplinary proceeding against Shri Pramod Kumar, EE(Civ) (GO-3313K) of HQ 32 BRTF (P) Beacon for misconduct committed while performing the duties of Surveyor of Work (SW) at HQ 755 BRTF (P) Swastik is contemplated.

2. NOW, THEREFORE, the President in exercise of powers conferred by sub-rule 1(a) of Rule 10 of the CCS (CCA) Rules, 1965, hereby places the said Shri Pramod Kumar, EE(Civ) (GO-3313K) of HQ 32 BRTF (P) Beacon under suspension with immediate effect.

3. It is further ordered that during the period this order shall remain in force, the Headquarters of Shri Pramod Kumar, EE(Civ) (GO-3313K) shall be HQ 32 BRTF (P) Beacon and the said officer shall not leave the said Headquarters without obtaining the prior permission of the Competent Authority.”

3. Mr. Shreenath A Khemka, learned counsel appearing for the petitioner submits that the suspension is arbitrary and unjustified and legally unsustainable for the simple reason that the petitioner is presently posted at HQ 32 BRTF/Project Beacon, Central Reserve Engineering Force, which is about 2300 kilometres away from the site where the alleged incident, which became the subject matter of the suspension, is situated. In other words, it is his submission that the petitioner has no control over the records, documents and the personnel related to the project in question and as such, in no way can influence the witnesses or tamper the documents, hence his continuance on suspension is clearly unjustified.



4. That apart, it is his submission that the petitioner was fully cooperative in the enquires carried out with effect from 2023. It is also his submission that continuance of the suspension of the petitioner will not be in the public interest, as it is required for the respondents to use the vast experience possessed by the petitioner, by posting him on a appropriate post and place, as deemed fit.

5. Additionally, the suspension of the petitioner has resulted in prevention of his travel to his home town to meet his family due to personal exigencies. In support of his submissions, the learned counsel for the petitioner has relied upon the decision of the Supreme Court in the case of *Ajay Kumar Chaudhary v. Union of India & Another, 2015 SCC OnLine SC 127*; as also the decision of the Allahabad High Court in the case of *Smt.Anshu Bharti v. State of UP & Others, 2008 SCC OnLine All 905*.

6. We are not impressed by the submissions made by the learned counsel for the petitioner. Suffice to state that the stand of the respondents primarily is that the suspension is in contemplation of proceedings to be initiated against the petitioner for certain misdemeanors, in as much as the petitioner without proper scrutiny of 16 number of invoices has made the payment. It is also submitted that the charge sheet has already been issued to the petitioner consisting of one article of charge and as such the revocation of suspension should not be directed as any revocation at this stage shall not be in public interest. We agree with the submission made by the learned counsel for the respondents.

7. In so far as the judgment relied by the learned counsel for the



petitioner in the case of *Ajay Kumar Chaudhary (supra)* is concerned, this very decision has been considered by one of us (V. Kameswar Rao, J) in the case of *Dinesh Bishnoi v. Union of India & Another, 2023:DHC:4429-DB* as also in the case of *Vikash Kumar v. Union of India & Others, 2023 SCC OnLine Del 5402* wherein the Court in *Vikash Kumar (supra)* has held as under:-

“11. Ajay Kumar Choudhary v. Union of India [Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291 : (2015) 2 SCC (L&S) 455] relied upon by learned counsel for the petitioner also came up for consideration in Rakesh Kumar Garg v. Union of India [Rakesh Kumar Garg v. Union of India, 2019 SCC OnLine Del 9100] by the High Court of Delhi, wherein a challenge was made to continued suspension of the petitioner since 16-7-2018. The petitioner therein who was posted as Chief Engineer in MES, Ministry of Defence faced serious allegations of corruption and investigation under Section 120-BIPC read with Sections 7, 8, 10 and 12 of the Prevention of Corruption Act. The charge memorandum was yet to be issued for initiation of disciplinary proceedings, since the investigation was pending. This Court relying upon earlier orders passed in State (NCT of Delhi) v. Rishi Anand [State (NCT of Delhi) v. Rishi Anand, 2017 SCC OnLine Del 10506] declined to interfere with the continued suspension order of the petitioner considering the allegations against the petitioner and held that there was serious and valid consideration to justify the continued suspension of the petitioner.

11.1. The observations in paras 20 to 23 in Rishi Anand case [State (NCT of Delhi) v. Rishi Anand, 2017 SCC OnLine Del 10506] are also apt to be noticed and clearly spell out that power of competent authority to pass orders of suspension have not been extinguished in Ajay Kumar Choudhary case [Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291 : (2015) 2 SCC (L&S) 455] merely because the charge-sheet is



not issued within three months of suspension but the said power can be exercised if good reasons are forthcoming: (Rishi Anand case [State (NCT of Delhi) v. Rishi Anand, 2017 SCC OnLine Del 10506] SCC OnLine Del paras 20-23)

“20. It may not always be possible for the Government to serve the charge-sheet on the officer concerned within a period of 90 days, or even the extended period, for myriad justifiable reasons. At the same time, there may be cases where the conduct of the government servant may be such, that it may be undesirable to recall the suspension and put him in position once again, even after sanitising the environment so that he may not interfere in the proposed inquiry. On a reading of Ajay Kumar Choudhary case [Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291 : (2015) 2 SCC (L&S) 455] , we are of the view that the Supreme Court has not denuded the Government of its authority to continue/extend the suspension of the government servant before, or after the service of the charge-sheet if there is sufficient justification for it. The Supreme Court has, while observing that the suspension should not be extended beyond three months if within this period the memorandum of charges/charge-sheet is not served on the delinquent officer, has stopped short of observing that if the charge memo/charge-sheet is not issued within three months of suspension, the suspension of the government servant shall automatically lapse, without any further order being passed by the Government. No such consequence of the automatic lapsing of suspension at the expiry of three months if the charge memo/charge-sheet is not issued during that period, has been prescribed....

21. The direction issued by the Supreme Court is that the currency of the suspension should not be extended beyond three months, if the charge memorandum/charge-sheet is not issued within the period of 3 months of



suspension. But it does not say that if, as a matter of fact, it is so extended it would be null and void and of no effect. The power of the competent authority to pass orders under Rule 10(6) of the CCS (CCA) Rules extending the suspension has not been extinguished by the Supreme Court. The said power can be exercised if good reasons therefor are forthcoming.

22. The decision of the Supreme Court in Ajay Kumar Choudhary case [Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291 : (2015) 2 SCC (L&S) 455] itself shows that there cannot be a hard and fast rule in this regard. If that were so, the Supreme Court would have quashed the suspension of Ajay Kumar Choudhary. However, in view of the fact that the charge memo had been issued to Ajay Kumar Choudhary though after nearly three years of his initial suspension, the Supreme Court held that the directions issued by it would not be relevant to his case.

23. From a reading of the decision in Ajay Kumar Choudhary case [Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291 : (2015) 2 SCC (L&S) 455] and Rule 10 of the CCS (CCA) Rules, it emerges that the Government is obliged to record its reasons for extension of the suspension which, if assailed, would be open to judicial scrutiny not as in an appeal, but on grounds available in law for judicial review of administrative action.”

11.2. The ratio as laid down in Rishi Anand case [State (NCT of Delhi) v. Rishi Anand, 2017 SCC OnLine Del 10506] has also been reiterated by this Court in Dinesh Bishnoi v. Union of India [Dinesh Bishnoi v. Union of India, 2023 SCC OnLine Del 4023].

12. The observations made by the Tribunal in para 14 of the impugned order referring to P. Kannan v. Municipal Corpn., Salem [P. Kannan v. Municipal Corpn., Salem, 2022 SCC



OnLine Mad 1154] which considered the ratio in Ajay Kumar Choudhary v. Union of India [Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291 : (2015) 2 SCC (L&S) 455] are also relevant and may be beneficially reproduced: (Vikash Kumar case [Vikash Kumar v. Union of India (I), 2022 SCC OnLine CAT 2097] , SCC OnLine CAT para 14)

“14. High Court of Judicature at Madras in a very recent judgment delivered on 15-3-2022 has also considered most of the previous, judgments relied upon by the applicant, including Ajay Kumar Choudhary case [Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291 : (2015) 2 SCC (L&S) 455] , and held as under: (SCC OnLine Mad paras 34 and 35)

‘34. Referring to the aforesaid judgment of the Supreme Court, a Division Bench of this Court in TANGEDCO Ltd v. Mohan Kumar [TANGEDCO Ltd v. Mohan Kumar, 2022 SCC OnLine Mad 8787] , held as under: (SCC OnLine Mad paras 20 and 21)

“20. In Bimal Kumar Mohanty case [State of Orissa v. Bimal Kumar Mohanty, (1994) 4 SCC 126 : 1994 SCC (L&S) 875 : (1994) 1 LLN 889] , the Supreme Court held that suspension is not a punishment, but only one for forbidding or disabling an employee to discharge the duties of office or post held by him. It is with the direction that each case may be considered on its facts and taking into account the gravity of the offence or the misconduct. The interference with the order of suspension should not be driven in reference to a judgment, but needs to be determined on facts and after considering the rules governing the delinquent. Judicial review in such matters should be minimal. In the instant case, the allegation against the delinquent is quite serious, as he not only demanded but accepted bribe and was caught red-handed by the Anti-Corruption Department. The aforesaid were the relevant facts, but were not considered by the learned Single Judge while



causing interference with the order of suspension. It is even after ignoring the earlier judgment of the Division Bench in TANGEDCO Ltd. v. A. Srinivasan [TANGEDCO Ltd. v. A. Srinivasan, 2020 Lab IC 3814] , wherein it was categorically held that the judgment of the Supreme Court in Ajay Kumar Choudhary case [Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291 : (2015) 2 SCC (L&S) 455] does not evolve a general principle for causing interference with the order of suspension if charge-sheet is not served or charge memo is not filed within three months of the order of suspension. The finding of the Division Bench of this Court in A. Srinivasan case [TANGEDCO Ltd. v. A. Srinivasan, 2020 Lab IC 3814] has even been ignored, though binding in nature.

21. In view of the above, we find reasons to cause interference with the judgment of the learned Single Judge as none of the judgments cited by learned counsel for the writ petitioner/non-appellant provide assistance on the issue, rather those judgments have been given referring to the judgment in Ajay Kumar Choudhary case [Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291 : (2015) 2 SCC (L&S) 455] , without analysing the fact that even in Ajay Kumar Choudhary case [Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291 : (2015) 2 SCC (L&S) 455] , the order of suspension was not interfered with by the Supreme Court, though the charge-sheet in the said case was filed after three months since the date of initial suspension of the delinquent employee.”

(emphasis supplied)

35. For the foregoing reasons, the reference is answered by holding that:

(i) The judgment of the Supreme Court in Ajay Kumar Choudhary case [Ajay Kumar Choudhary v. Union of



India, (2015) 7 SCC 291 : (2015) 2 SCC (L&S) 455] , does not lay down absolute proposition of law that an order of suspension cannot be continued beyond the period of three months if the memorandum of charges/charge-sheet has not been served within three months, or if memorandum of charges/charge-sheet is served without reasoned order of extension.

(ii) The judgment in TANGEDCO Ltd. v. R. Balaji [TANGEDCO Ltd. v. R. Balaji, WA No. 68 of 2021, decided on 27-8-2021 (Mad)] , has no reference to the earlier judgments of co-equal strength and is thereby rendered per incuriam.

(iii) The issue of challenge to the order of suspension should be analysed on the facts of each case, considering the gravity of the charges and the rules applicable.

(iv) Revocation of suspension with a direction to the employer to post the delinquent in a non-sensitive post cannot be endorsed or directed as a matter of course. It has to be based on the facts of each case and after noticing the reason for the delay in serving the memorandum of charges/charge-sheet.

The abovementioned judgments clearly hold that suspension can be continued depending upon gravity of offences. In the present case, the applicant is under investigation in various cases by the CBI and Vigilance Organisation. His prosecution and also major penalty action is contemplated against him. The charges for which he is under investigation are of very serious nature and, therefore, his continued suspension does not call for any interference by this Tribunal'."

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14. Considering the serious nature of charges, which have remained under investigation by various agencies against the petitioner and public interest, we are unable to accept the contention raised by learned counsel for the petitioner, that



since the petitioner has not been responsible for delay in conduct of investigation or other proceedings, he deserves to be reinstated.

15. We are of the considered opinion that no grounds are made out for interference in the impugned order passed by the Tribunal. The revocation of suspension and reinstatement of the petitioner, in the peculiar circumstances cannot be directed merely because the charge-sheet could not be issued to the petitioner. Suffice to state that sufficient reasons have been pointed out by the respondents for delay in issuing of charge-sheet."

8. Similarly, insofar as the decision of the Allahabad High Court in the case of **Smt. Anshu Bharti (supra)** as relied upon by Mr Khemka, is concerned the same is also not applicable to the facts of this case and also in view of our findings above.

9. The petition being without any merit, the same is dismissed. The pending application becomes infructuous and is also dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 24, 2026

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