



2025:DHC:6952-DB



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

Date of decision: 14.08.2025

+ W.P.(C) 12263/2025
UNION OF INDIA & ORS.

.....Petitioners

Through: Mr.Jivesh Kr. Tiwari and
Ms.Samiksha, Advs.

versus

SH. U.S.P. KUSHWAHA

.....Respondent

Through: Mr.Saket Sikri, Mr.Satish
Kumar, Mr.Ajay Pal Singh
Kullar, Mr.Arun Sanwal and
Mr.Prakhar Khanna, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CAV 305/2025

1. The respondent has entered appearance in the instant matter.
2. Accordingly, the Caveat stands discharged.

CM APPL. 49963/2025 (Exemption)

3. Allowed, subject to all just exceptions.

W.P.(C) 12263/2025 & CM APPL. 49962/2025

4. This petition has been filed challenging the Order dated



24.02.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 3004/2024, titled ***Sh. U.S.P. Kushwaha v. Union of India & Ors.***, allowing the aforesaid OA with the following directions:

“10. Therefore, the impugned order dated 12.05.2023 and impugned subsequent orders extending the suspension of the applicant are not found to be tenable in the eyes of law and are, therefore, accordingly set aside. The applicant shall be entitled for consequential benefits in accordance with the relevant rules and instructions, which the respondents shall extend to the applicant positively within 4 weeks from the date of receipt of a copy of this order.”

5. To give a brief background of the facts in which the present petition arises, an FIR, being FIR No. RC 0052022A0031 dated 28.12.2022, was registered against the respondent under Section 154 of the Code of Criminal Procedure, 1973 by the CBI/ACB Chandigarh under Section 120-B of the Indian Penal Code, 1860 read with Sections 7, 7-A, 8 and 12 of the Prevention of Corruption Act, 1988 (as amended in 2018). He was detained in custody on 29.12.2022 by the CBI. As he remained in custody for more than 48 hours, he was placed under suspension *vide* Order dated 11.01.2023 with effect from 29.12.2022, by invoking the provisions of Rule 10(2) of the Central Civil Services (Classification, Control & Appeal) Rules, 1965, (in short, 'CCS (CCA) Rules').

6. The respondent was granted bail on 10.02.2023, and the petitioners claim that intimation thereof was sent to them on 12.02.2023.



2025:DHC:6952-DB



7. The petitioners further claim that the Suspension Review Committee considered the case of the respondent on 10.04.2023 and later on 25.04.2023, and recommended that the suspension of the respondent be extended for a further period of 90 days beyond 12.05.2023, keeping in view the seriousness of the matter involving charges of corruption against the respondent. The order to this effect was issued on 12.05.2023. It was later extended by a period of 180 days, by Order dated 10.08.2023 and then again by an Order dated 06.02.2024.

8. The respondent filed the above O.A. challenging these orders of suspension and their extension. As noted hereinabove, the learned Tribunal has allowed the O.A. filed by the respondent.

9. The learned Tribunal has held that the initial order of suspension was passed on 11.01.2023 and the respondent had been released on bail on 10.02.2023. Though the Suspension Review Committee, in its meeting held on 25.04.2023, recommended the extension of suspension of the respondent beyond the period of 90 days of the initial suspension order, the same was extended only on 12.05.2023, that is, well past the statutory period of 90 days and, therefore, was in violation of Rule 10(7) of the CCS (CCA) Rules.

10. The learned counsel for the petitioners submits that the learned Tribunal has failed to appreciate the mandate of the proviso to Rule 10(7) of the CCS (CCA) Rules, which provides that in case of a deemed suspension, the 90 days period shall be computed from the date that the respondent communicates the fact of his release from



detention to the petitioners. In support, he places reliance on the Judgment of this Court in *Union of India & Ors. v. Deependra Kumar*, 2016:DHC:2868-DB.

11. On the other hand, the learned counsel for the respondent, who appears on an advance notice, submits that the proviso to Rule 10(7) of the CCS (CCA) Rules comes into operation only where the Government servant continues to be under detention on the expiry of the initial period of 90 days of the suspension. In support, he places reliance on the Judgment of this Court in *Union of India & Ors. v. Akil Ahmad*, 2025:DHC:1901-DB.

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

13. The respondent was initially placed under suspension by an Order dated 11.01.2023 with effect from 29.12.2022. Before the expiry of the period of 90 days, however, he was released on bail by an Order dated 10.02.2023, and the fact of his release was communicated to the petitioners on 12.02.2023, that is, again before the expiry of the 90 days period.

14. Rule 10(7) of the CCS (CCA) Rules reads as under:

“(7) An order of suspension made or deemed to have been made under sub-rule (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 detention 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.”

(Emphasis supplied)

15. Interpreting the above Rule, this Court in ***Akil Ahmad*** (supra) has 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.”

16. As far as ***Deepaindra Kumar*** (supra) is concerned, this Court while interpreting Rule 10(7) of the CCS (CCA) Rules, again observed as under:

“8. The implication and the mandate of the proviso to sub-rule (7) of the Rule is that, if the government servant, on deemed suspension,

