HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Civil Writ Petition No. 11000/2025

CNR: RJHC010502192025

URN: CW / 19485U / 2025

Manmeet Singh Ahluwalia S/o Shri Ashok Singh Ahluwalia, Aged About 39 Years, R/o G-105, New Industries Area, Basani-II, Near Diesel Shed, Jodhpur-342003

----Petitioner

Versus

1. Union Of India, through The Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi-110001
2. The Chairperson, Central Board of Indirect Taxes and Customs (C.B.I.C.), Department of Revenue, Ministry of Finance, North Block, New Delhi-110001
3. Shri Alok Gupta, Then Commissioner, CGST (Audit) Commissionerate, Jodhpur Currently Posted As Principal Additional Director General (ADG), Directorate Genera lof Systems (DG- Systems) Indirect Taxes & Customs, Central Revenue Building, I.P. Estate, New Delhi-110095 Mobile No. - 91-9871002219, 91-9871002249 E Mail - Alok.gupta68@gov.in

----Respondents

For Petitioner(s)	:	Mr. Manmeet Singh Ahluwalia (Present-in-person)
For Respondent(s)	:	Mr. Rajvendra Saraswat, Adv. with Mr. Jitesh Kumar Suthar, Adv. Mr. Rishab Dadhich, Adv.

HON'BLE MR. JUSTICE MUNNURI LAXMAN

HON'BLE MR. JUSTICE ANUROOP SINGHI

Judgment

DATE OF CONCLUSION OF ARGUMENTS : 16/07/2026

DATE ON WHICH JUDGMENT IS RESERVED : 16/07/2026

FULL ORDER OR OPERATIVE PART : FULL ORDER

DATE OF PRONOUNCEMENT : 30/07/2026

[Per Hon’ble Mr. Justice Munnuri Laxman] :

1) The challenge in the present writ petition is to the order dated 16.04.2025 passed by the Central Administrative Tribunal, Jodhpur Bench (hereinafter referred to as “the Tribunal”), in O.A. No. 237/2022, whereby the reliefs sought by the petitioner, viz., quashing of the orders dated 16.07.2021 and 13.01.2022 extending his suspension, grant of promotion pursuant to the DPC held on 23.02.2022, and consequential financial benefits for the period of extended suspension along with all promotional benefits, were rejected.

2) The petitioner is an officer of the Indian Revenue Service (Customs and GST) of the 2012 batch. He was transferred from Lucknow to New Delhi vide order dated 01.04.2018. While he was posted at New Delhi, he was allotted departmental pool residential accommodation bearing Quarter No. A2D, Vatika Apartment, Mayapuri, New Delhi.

3) The initial genesis of the present proceedings is relating to an incident that allegedly occurred on the night of 3rd/4th September, 2019 at about 8:45 p.m. in between Shri S. Mahesh Kumar, Under Secretary, GST Council, and the petitioner's mother and widowed sister. The allegation was that the petitioner's family members misbehaved with Shri S. Mahesh Kumar, by using abusive language, and obstructed him from going downstairs from the roof of the flat. During such incident when Ms. Meghna Gupta,

Assistant Commissioner, GST Policy Wing intervened, she too was subjected to abusive language by the petitioner's family members.

4) Subsequently, another complaint dated 05.09.2019 was also submitted by one Shri Sumit Garg, a former neighbour of the petitioner's family, alleging that the petitioner and his family members have also behaved rudely with him during the period they resided as neighbours till January, 2019. Such allegations were not reported immediately but complained after a delay of about nine months.

5) The aforesaid incident and complaint prompted the Central Government Office Residence Welfare Association of Vatika Apartment, 'A' Block, to pass a resolution asking the Principal Commissioner, GST, to cancel the allotment of the accommodation to petitioner. Pursuant thereto, the Principal Commissioner constituted an Enquiry Committee, which found that the petitioner's mother and his sister had misbehaved with Shri S. Mahesh Kumar and Ms. Meghna Gupta.

6) Based on such findings of the Enquiry Committee, the Estate Officer had issued an eviction notice dated 17.09.2019 to the petitioner, directing him to vacate the premises. Thereafter, an eviction order dated 14.02.2020 was passed. Aggrieved thereby, the petitioner preferred Appeal bearing OA No. PPA-2/2020 before the learned Principal District and Sessions Judge, West District, Tis Hazari Courts, Delhi, wherein he got protection. The appeal was ultimately disposed of by granting time to the petitioner to vacate the accommodation on or before 15.04.2021. The appellate court

further held that the levy of damages at the rate of 40 times the revised licence fee was declared non est in the eyes of law. However, liberty was granted to the Competent Authority to initiate fresh proceedings for the assessment of damages in accordance with the procedure prescribed under Section 7 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

7) By order dated 22.10.2019, the petitioner was transferred from New Delhi to Jodhpur in the backdrop of the incident between the family members of the petitioner and S. Mahesh Kumar and Meghna Gupta. The petitioner vacated the premises on 15.04.2021.

8) Apart from the above incident and complaint, there were some more alleged incidents involving the petitioner & his family members and the officers who were residing in the departmental pool accommodation. One such incident relates to evening of 17.12.2020 between Smt. Ashwini, the Joint Commissioner, and the family members of the petitioner, leading to the registration of an FIR. Another incident allegedly occurred on 01.03.2021 between the petitioner's family members and Paras Kumar Gupta, Superintendent, Ms. Niharika, Deputy Commissioner, and Ms. Rubal Saroha, Deputy Commissioner. The only allegation is of issuing threats and using intimidating words.

9) In the above background of incidents, the initial suspension order was passed on 04.05.2021, in contemplation of departmental proceedings against the petitioner. The initial period of suspension was for 90 days, which ended on 02.08.2021.

Subsequently, the suspension was extended for the first time vide order dated 16.07.2021 for a further period of 180 days, and a second extension order was passed on 13.01.2022. The second suspension order expired on 28.07.2022. There was no further extension. Consequently, the suspension came to an end. Even though suspension was no more, the respondents have passed revocation order dated 16.08.2022 revoking the suspension.

10) The petitioner in the present case is not aggrieved by the original suspension order dated 04.05.2021. His grievance was with regard to the two extension orders, i.e., dated 16.07.2021 and 13.01.2022. The challenge to such orders was on the ground that there was no valid material before review committee as well competent authority for the extension of suspension. The unjustified extension of suspension should not have been made beyond 90 days, as the definite charge-sheet in the departmental proceedings had not been issued to him before the expiry of 90 days, as required by the judgment of the Apex Court in ***Ajay Kumar Choudary Vs. Union of India through its Secretary & Anr.***, reported in AIR 2015 Supreme Court 2389, and in violation of Department's own letter dated 23.08.2016.

11) The challenge to the extension was made even after the deemed revocation of the suspension, as there was no extension before the expiry of the second extended period. The necessity of challenge to these two orders is justified for the reason of petitioner's deprivation of promotion in pursuance of Departmental Promotion Committee (DPC) meeting held on 23.03.2022 during

currency of second extension, whereunder his juniors were promoted, while he was deprived of promotion and his promotion was kept under a sealed cover. According to the petitioner, these extensions were made malafidely only to deprive his promotion and not because of any justified reasons.

12) The petitioner's contention is that if there was no second extension of suspension, he would have been promoted as on the date of the DPC, i.e., 23.03.2022, as no charge-sheet was issued against him in the departmental proceedings. His promotion was kept under a sealed cover on account of the extended suspension order. Therefore, the petitioner filed an OA before the Court and sought quashing of the extension orders, consequential pecuniary benefits for the extended period of suspension, and promotion in terms of the DPC held on 23.03.2022, on the ground that his juniors had been promoted in the same DPC. He also sought consequential financial benefits. However, the said prayer was rejected mainly on the ground that, since the revocation order had been passed, the issues relating to pay, allowances, and other benefits could be considered only after the conclusion of the departmental proceedings. Aggrieved by the same, the present writ petition has been filed.

13) The case of the respondents is that the conduct and violent behaviour of the petitioner and his family members led to frequent quarrels, physical and verbal assaults with the fellow residents of the departmental government pool accommodation. As a consequence, an FIR was registered against the petitioner

and his family members. It is further pleaded and alleged that the petitioner unauthorisedly left the headquarters without waiting for sanction of leave for the periods from 09.11.2020 to 18.11.2020, 09.12.2020 to 22.12.2020, and 24.12.2020 to 01.02.2021. Further, allegation was that a complaint was received from the Commissioner, GST, Jodhpur, regarding the petitioner's rude, indecent, and insulting behaviour towards his seniors, subordinates, and taxpayers while he was posted at Jodhpur.

14) The respondents have further contended that the petitioner has not challenged the original suspension order and, therefore, he cannot assail the subsequent extension orders. It is contended that the challenge to the extension orders is unwarranted at this stage, as the petitioner's suspension was already revoked. Any grievance relating to pay, allowances, or other benefits will be considered depending upon the outcome of the departmental proceedings. It is, therefore, contended that no interference by this Court is called for, particularly when the Tribunal has dismissed the petitioner's claim after taking note of the aforesaid facts.

15) The respondents have also pleaded that the Review Committee, upon consideration of material placed before it, found sufficient grounds to extend the petitioner's suspension in view of the allegations of violent misconduct and physical assault on fellow residents of the government residential quarters, failure to vacate the government accommodation despite an eviction order, unauthorized absence from headquarters without obtaining prior

approval of the competent authority, and acts of insubordination and indecent behaviour towards senior officers, subordinate officers, and taxpayers and such material formed basis for the second extension of the petitioner's suspension.

16) The respondents have also pleaded that multiple complaints were received from officers residing in the same apartment regarding the mis-behaviour of the petitioner's family members; therefore, the subjective satisfaction arrived at by the Review Committee and the Competent Authority while extending the petitioner's suspension require no interference by this Court.

17) We have heard both the petitioner who appeared in person and counsel for the respondents. We have also carefully perused impugned extension orders of suspension and material available on record as well as the order passed by the Central Administrative Tribunal, Bench Jodhpur.

18) The facts which are undisputed by the respondents are that the petitioner was initially posted as Assistant Commissioner, Customs, Lucknow, at the Indo-Nepal Border from 2014 to 2016. Thereafter, he was posted in the National Committee on Trade Facilitation Secretariat as Officer on Special Duty (OSD) to the Director General of Export Promotion and the erstwhile Customs Organisation from 2016 to 2019. The petitioner was also one of the authors of India's National Trade Facilitation Action Plan, 2017–2020, and assisted in the implementation of the WTO Trade Facilitation Agreement, 2017, across the country. He was selected to represent India at the International Knowledge Academy for

Customs and Trade held at Brussels, Belgium. He also represented India at international forums in the United States of America, the United Kingdom, Thailand, and South Korea. He received commendations from various countries and played an instrumental role in the implementation of the National Trade Facilitation Action Plan. The above facts are referred to understand the petitioner's conduct and behavior prior to the incidents which are subject matter of enquiry.

19) It is also undisputed that no complaint regarding the petitioner's conduct was made prior to the incident of 3rd/4th September, 2019. Subsequent complaints, transfer, and consequential eviction proceedings arose after the quarrel between petitioner's family members and Shri S. Mahesh Kumar, Under Secretary of the GST Council, which is the apex body. Multiple complaints were being lodged by various officers, either after considerable delay or in relation to subsequent incidents. Until then, petitioner was having unblemished conduct.

20) In the initial complaints made by Shri S. Mahesh Kumar and Ms. Meghna Gupta, the allegations of misbehaviour and use of abusive language were only attributed to the petitioner's mother and sister. The Enquiry Committee constituted by the Principal Commissioner, GST, to inquire into the said allegations submitted its report and its findings also demonstrate alleged misbehaviour by the petitioner's family members only and not by the petitioner. Thereafter, a complaint was made by Shri Sumit Garg, after an inordinate delay, and subsequently by Smt. Ashwini, Shri Paras

Kumar Gupta, Ms. Niharika, and Ms. Rubal Saroha, implicating both the petitioner and his family members. It is relevant to mention that the incident of 3rd/4th September, 2019 resulted the petitioner's transfer from Delhi to Jodhpur.

21) Consequent thereto, an eviction notice was also issued requiring the petitioner to vacate the government accommodation. The petitioner challenged the said proceedings before the competent appellate forum and was granted interim protection. These events took place during the COVID-19 pandemic. According to the petitioner, several subsequent actions were initiated against him thereafter.

22) One of the trivial allegations against the petitioner relates to his leaving the headquarters without waiting for prior approval during the COVID-19 period. Another allegation is based on a complaint made by the Commissioner, GST, Jodhpur, who happened to be batch mate of S. Mahesh Kumar, the Under Secretary regarding the petitioner's alleged rude and indecent behaviour towards his seniors, subordinates, and taxpayers.

23) In the aforesaid facts and circumstances, the initial suspension order was passed on 04.05.2021. Thus, by the time of suspension order itself, the competent authority was already in possession of all the relevant material including the Enquiry Committee's report, the complaints and counter-complaints lodged by the petitioner's family members and the officers residing in the government pool accommodation, as well as the allegations

relating to the petitioner's absence from headquarters without obtaining prior permission.

24) Thereafter, the charge-sheet in the departmental proceedings was issued to the petitioner on 18.08.2022. The said chargesheet deals with the following charges:-

Article-I

Whereas Shri Manmeet Singh Ahluwalia, Deputy Commissioner while residing in Government residential colony at Vatika Apartments, Mayapuri New Delhi has indulged in frequent quarrels, physical/verbal assault and violent misbehavior with the fellow residents of the departmental Govt. accommodation at Vatika Apartment, Mayapuri, New Delhi and also used derogatory remarks against the fellow residents/officials. FIRs in the Rajouri Garden Police station, New Delhi have been filed against Shri Manmeet Singh Ahluwalia, Deputy Commissioner in these matters. By the above acts of omission, commission and misconduct, Shri Manmeet Singh Ahluwalia, Deputy Commissioner has acted in a manner unbecoming of a government servant, has failed to maintain courtesy and good behaviour with the public and to refrain from doing anything which is or may be contrary to any law, rules, regulations and establishment practices, thereby has contravened the provisions of Rule 3(1)(iii), (xi), (xviii) of Central Civil Service (Conduct) Rules, 1964 and has rendered himself liable for action under Rule 14 read with Rule 11 of Central Civil Service (Classification, Control and Appeal) Rules, 1965.

Article-II

Whereas Shri Manmeet Singh Ahluwalia, Deputy Commissioner while posted in CGST Jodhpur Audit Commissionerate went on unauthorized leaves and left Headquarters/station without prior sanction from the competent authority for the periods 09.11.2020 to 18.11.2020, 09.12.2020 to 22.12.2020 and 24.12.2020 to 01.02.2021. Instance of Sh. Manmeet Singh Ahluwalia's rude, indecent and insulting behaviour towards his seniors, subordinates and taxpayers have been informed by his controlling officer i.e. the Commissioner, CGST Jodhpur Audit Commissionerate. By the above acts of omission, commission and misconduct, Sh. Manmeet Singh Ahluwalia, Deputy Commissioner, has failed to maintain utmost devotion to duty, acted in a manner unbecoming of a government servant, has failed to maintain courtesy and good behaviour with the public, failed to refrain from doing anything which is or may be contrary to any law, rules, regulations and establishment practices and has failed to maintain discipline in the discharge of his duties and be liable to implement the lawful orders duly communicated to him thereby has contravened the provisions of Rule 3(1) (ii) (iii), (xi), (xviii) & 3(1)(xix) of Central Civil Service (Conduct) Rules, 1964 and has rendered himself liable for action under Rule 14 read with Rule 11 of Central Civil Service (Classification, Control and Appeal) Rules, 1965.

25) Failure to vacate the government accommodation despite the eviction order was one of the alleged acts of misconduct when the extension orders were passed. Since the petitioner's continued occupation of the accommodation was legal as there was no protection in favour of the respondent from the appellate court, such allegations were not made charge in the Charge Sheet. The principal charges basically relate to an incident unconnected with the petitioner's official duties, namely, a dispute between the petitioner's family and the families of other officers residing in the government pool accommodation. Other charge is relating petitioner leaving the headquarters without waiting for sanction of leave applied for. Such allegations pertain to the period of the COVID-19 pandemic. It cannot be overlooked that during the covid period, there were several instances where government

servants had to leave their headquarters owing to fear of an imminent threat to life and health. It is not the case that the petitioner left the headquarters without applying for leave; rather, the allegation is that he left before the leave was formally sanctioned. The administrative process for grant of leave ordinarily takes some time. In the peculiar circumstances prevailing during the COVID-19 pandemic, this allegation cannot, by itself, be regarded as grave or serious.

26) The other allegation in the charge-sheet pertains to the petitioner's alleged rude and indecent behaviour towards his seniors, subordinates, and taxpayers. These allegations were emanating from the Commissioner, who happened to be batchmate of Mr. Mahesh Kumar, the Under Secretary. There was no such past behaviour from the petitioner. For such allegations there were material available with authority at the time of suspension. In reference to principal charge No.1, he was already transferred from New Delhi to Jodhpur. The principal charge No.1 is unconnected with the petitioner's official duties, while the second, though arising in the course of service, must be viewed in the peculiar circumstances prevailing during the COVID-19 pandemic. Prima facie, these allegations were foundation for invoking the drastic measure of suspension. When considered cumulatively, neither of these allegations appears to be of such gravity or seriousness so as to justify either the initial suspension or the continued extension of the petitioner's suspension.

27) The object and purpose of suspension may be manifold and do not call for any exhaustive enumeration. Primarily, the purpose is to keep the delinquent employee away from the sphere of influence so that the disciplinary proceedings contemplated against him may be conducted fairly and without any hindrance. Another purpose may be that some time elucidation of facts from employees working under him or verification of papers which are in his custody are required. It would be embarrassing and inopportune both for the officer concerned as well as to those who are investigating or inquiring to do so while the officer was present at the place of work. Normally, such situation is avoided by transferring the officer or temporarily placing the officer under suspension. Such measure is intended to facilitate the disciplinary proceedings by ensuring that the delinquent does not gain access to official records, exercise influence by virtue of his position, or otherwise impede the collection of material necessary for framing the charges. Ordinarily, when the grave allegations are leveled against officer, the disciplinary authority cannot immediately draw up definite charges. It requires to verify such allegations.

28) The aforesaid legal position has been enunciated by the Hon'ble Supreme Court in ***The Government of India, Ministry of Home Affairs and Ors. vs. Tarak Nath Ghosh,*** *reported in* (MANU/SC/0691/1971) and ***Union of India & Another v. Ashok Kumar Aggarwal***, reported in (2013) 16 SCC 147. Suspension is a drastic measure and cannot be resorted to as a matter of routine. Such an action is ordinarily warranted only where there

are allegations of grave misconduct or corruption which, if established, may ultimately result in the imposition of a major penalty, such as dismissal or removal from service. While considering whether an employee should be placed under suspension during the pendency of an investigation or trial in a criminal case, the competent authority is required to take into account the gravity and seriousness of the alleged offence. Suspension should not be ordered in each and every allegation of misconduct, particularly where the allegations are trivial or gross exaggerations of trivial irregularities.

29) The present case, when examined in the light of the nature of the allegations, reveals that the incident essentially pertains to a verbal exchange of abusive language between the petitioner's family members and certain senior officers. It is not the case of the respondents that the petitioner has exhibited violent or habitually rude behaviour in such incident. On an examination of the petitioner's past service record, no previous complaint of such nature is found against him by any authority.

30) The allegation of rude behaviour appears to have stemmed from the incident that occurred on 3rd/4th September, 2019, involving the Under Secretary of the GST Council, an apex body. The said incident gathered several complaints later on. The most unfortunate aspect of the present case is the extension of the petitioner's suspension for nearly one year in addition to the original period of suspension, on the basis of allegations arising out of a quarrel between two parties in pool residential

accommodation. Such allegations are required to be adjudicated by the competent criminal court, particularly when case and counter-case are filed arising out of the same incident. The allegations of unauthorized absence and the subsequent allegations of misbehaviour towards senior as well as subordinate officers appear to have surfaced thereafter. The manner in which these allegations were brought forth prima facie demonstrates personal vendetta on the part of certain high-ranking officials against the petitioner. Even assuming that such allegations are ultimately proved, they would not ordinarily warrant the extreme penalty of removal or dismissal from service. Similarly, the petitioner's alleged absence from headquarters for a certain period during the COVID-19 pandemic has also been treated as a serious lapse of duty, which, prima facie, appears to be gross exaggeration of trivial deviations. The manner in which petitioner's suspension is dealt with, it is clear abuse of power and process, unjustified action, excessive and arbitrary exercise of administrative power and also suffer from malice in law.

31) The allegation of insubordination was emanated from the GST Commissioner (the third respondent), who is stated to be a batchmate of Shri S. Mahesh Kumar. According to the petitioner, the said incident became the genesis of his transfer, the eviction order, the suspension order, and the subsequent extension orders. Ordinarily, this Court would not have interfered with an order extending suspension. However, in the present case, non-interference of extension of suspension order has serious

repercussions on the petitioner's promotional prospects, thereby causing substantial prejudice to his service career.

32) The petitioner's principal contention is that no charge-sheet was issued within 90 days of the suspension, as contemplated by the law laid down by the Hon'ble Supreme Court in ***Ajay Kumar Choudhary v. Union of India* (supra)**, as well as the DoPT Office Memorandum dated 23.08.2016. Per contra, the learned counsel appearing for the respondents submitted that the judgment of the Hon'ble Supreme Court in ***Ajay Kumar Choudhary (cited supra)*** does not lay down that a suspension order automatically stands revoked or becomes invalid merely because a charge-sheet is not issued within ninety days. In support of this contention, reliance was placed on the decision of the **Delhi High Court in *Vikash Kumar v. Union of India & Others*,** W.P.(C) No. 16499/2023, decided on 01.09.2023. Our decision is not on the aspect of consequences of not issuing charge sheet within 90 days. We are on the aspect of unjustified, arbitrary exercise of power of suspension in the factual scenario that too after petitioner was transferred from New Delhi to Jodhpur.

33) Admittedly, in the present case, the DPC for promotion was held on 23.03.2022 and it was held during the second extension period. The second extension order dated 13.01.2022 resulted in the sealing of the petitioner's promotion in terms of the judgment of the Apex Court in ***Union of India vs. K.V. Jankiraman etc.***, reported in AIR 1991 (4) SCC 109, wherein the

Supreme Court held that when a departmental enquiry is pending or a delinquent employee is facing contemplation of disciplinary proceedings, and if a DPC is held during that period, his candidature is required to be considered, but the result shall be kept in a sealed cover.

34) The Departmental Promotion Policy clearly indicates that the DPC is required to be informed about the suspension of any employee and the pendency of departmental proceedings. These two factors are the relevant information required to be furnished to the DPC. It is these two circumstances that require the DPC to keep the result in a sealed cover. On 23.03.2022, had the second suspension was not extended, the petitioner could have been promoted on par with his juniors, as no departmental proceedings were pending against him on such date. The charge-sheet was issued only after the expiry of the second extension of the suspension order, i.e., on 18.08.2022.

35) The extensions of suspension caused great mental agony and resulted destruction of his bright service carrier. The petitioner suffered deprivation of his promotional avenues. An incident between the families resulted in ruining the career of a high-ranking officer. This is a clear case of vendetta by higher officials. The extension order must disclose the necessity for such extension through a reasoned order and not merely by referring to the allegations under contemplation. The primary purpose of extending suspension is to enable the collection of further material

so that the employee may be definitely charged, thereby commencing departmental proceedings.

36) The disciplinary authority was already having ample material in the form of complaints, statements, and enquiry reports relating to the incidents that occurred within the residential accommodation occupied by the families, as well as the allegation of leaving the headquarter without sanction of leave. Keeping the petitioner under suspension beyond 90 days by way of extension was clearly an abusive exercise of administrative power for a trivial criminal charge, which was unrelated to his official duties, particularly when the petitioner was not working in New Delhi. Further, the action was contemplated against the petitioner only, completely ignoring the counter-FIR lodged by the petitioner's family. This amounts to selectively targeting the petitioner despite there being no fault on his part, but merely because of an alleged conflict between two families. The extension of the petitioner's suspension is arbitrary, unreasonable, and suffers from mala fides in law. It infringed the petitioner's right to be considered and promoted.

37) The challenge to the extension orders does not become infructuous merely because of the deemed revocation resulting from the expiry of the suspension period and the failure to extend the suspension thereafter. The denial of relief by the Tribunal on the ground that the question of pay and allowances for the suspension period would be considered by the Appointing Authority only after the conclusion of the disciplinary proceedings

is not, in every case, justified. The availability of such a remedy does not imply that the petitioner's right to challenge the orders extending the suspension stands defeated or rendered infructuous by such revocation or entitlement to consider after enquiry. The reason is that had the two extensions of suspension were not granted, the petitioner would have been promoted on par with his juniors on the basis of the result kept in the sealed cover. The extensions were resorted to only to convert the suspension into a punishment and to deprive the petitioner’s carrier advancement, and damage to his professional carrier for a trivial act of misconduct, even if ultimately proved, which would never warrant the penalty of removal or dismissal. Further, the suspension itself was unwarranted because the serious allegations of misconduct related to an incident in Delhi, whereas the petitioner was posted in Jodhpur. All the witnesses were high-ranking officers whom the petitioner could not have influenced. There was also no possibility of tampering with the evidence, as all the relevant material had already been collected during the disciplinary proceedings, and the petitioner had already been transferred from the place where the alleged incident had occurred. The allegations, if any, relating to Jodhpur pertain only to the petitioner leaving the headquarters without waiting for sanction of leave and the alleged misconduct committed thereafter.

38) Having regard to the overall facts and circumstances of the case, the impugned extension orders suffer from arbitrariness and unreasonable exercise of administrative power and is not

supported by any valid reason or justification. On the contrary, the extension orders reflect personal vendetta, intended to inflict punishment and adversely affect the petitioner's career. The impugned orders are, therefore, vitiated by malice in law. Such arbitrary exercise of power, motivated by personal vendetta, deserves to be strongly deprecated.

39) The Tribunal was not justified in holding that interference with the extension orders was unwarranted merely on the ground that the suspension stood deemed to have been revoked and that the petitioner's entitlement to pay and allowances for the suspension period would be considered by the competent authority after the conclusion of the disciplinary proceedings. The said finding is perverse, as the Tribunal failed to examine the legality and validity of the impugned extension orders, which had a direct bearing on the petitioner's valuable right to be considered for promotion. Admittedly, no departmental charge-sheet had been issued to the petitioner on the date fixed for the Departmental Promotion Committee (DPC) meeting, and therefore, the extensions of suspension resulted in petitioner's promotion being kept in a sealed cover, which warrants judicial interference by this Hon'ble Court.

40) The background of the facts clearly demonstrates that there is an abuse of power by the public authority, as a result of which the petitioner was subjected to mental and physical harassment. The jurisdiction and power of the Courts to award compensation for injuries suffered due to such abuse of power are

founded on the principle that an award of exemplary damages serves the salutary purpose of upholding the rule of law and vindicating the rights of the aggrieved person. In this regard, it is apt to refer to the decision of the Apex Court in the case of **Lucknow Development Authority Vs. M.K.Gupta**, reported in (1994) 1 Supreme Court Cases 243, wherein it was held as follows:

> "The jurisdiction and power of the courts to indemnify a citizen for injury suffered due to abuse of power by public authorities is founded on the principle that, 'an award of exemplary damages can serve a useful purpose in vindicating the strength of law'. An ordinary citizen or a common man is hardly equipped to match the might of the State or its instrumentalities. That is provided by the rule of law. It acts as a check on arbitrary and capricious exercise of power. A public functionary if he acts maliciously or oppressively and the exercise of power results in harassment and agony then it is not an exercise of power but its abuse. No law provides protection against it. He who is responsible for it must suffer it. Compensation or damage may arise even when the officer discharges his duty honestly and bona fide. But when it arises due to arbitrary or capricious behaviour then it loses its individual character and assumes social significance. Harassment of a common man by public authorities is socially abhorring and legally impermissible. It may harm him personally but the injury to society is far more grievous. The award of compensation for harassment by public authorities not only compensates the individual, satisfies him personally but helps in curing social evil. It may result in improving the work culture and help in changing the outlook."

41) There is an arbitrary and capricious behaviour on the part of the disciplinary authorities in subjecting the petitioner to undue hardship and jeopardizing the career of a young officer, who had built an unblemished career of seven years prior to the

alleged incident. The hardship suffered by the petitioner was the result of the arbitrary exercise of power in placing him under suspension and repeatedly extending the period of suspension. Therefore, we are inclined to award a sum of Rs. 5,00,000/- (Rupees Five Lakhs only) as exemplary costs, to be paid by the respondents No.1 and 2 to the petitioner.

42) In the result, the present writ petition is allowed as under:

(i) The impugned order of the Tribunal dated 16.04.2025 is set aside;

(ii) The Original Application bearing OA No.237/2026 preferred by the petitioner before the Central Administrative Tribunal, Bench Jodhpur is allowed;

(iii) The impugned extension orders of the petitioner’s suspension dated 16.07.2021 and 13.01.202 are set aside.

(iv) The respondents are directed to treat the petitioner as having been reinstated with effect from the expiry of the original period of 90 days. He shall be paid his full salary, for the extended period of suspension after adjusting the salary already paid for such period.

(v) The respondents are also further directed to open the sealed cover and, if the petitioner is found fit and eligible, to promote him to the higher post from the date on which his juniors were promoted. The petitioner shall be entitled to notional promotion and all consequential notional benefits from the date his juniors were granted promotion. The aforesaid exercise shall be completed within a period of two months from the date of this order.

(vi) The respondents No. 1 and 2 are also directed to pay cost of Rs.5 lac to the petitioner within three months from the date of the order.

43) Pending interlocutory applications, if any, shall stand disposed of.

(ANUROOP SINGHI),J (MUNNURI LAXMAN),J

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