

ITEM NO.7

COURT NO.3

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 10856/2016

BHUPINDER SINGH

APPELLANT

VERSUS

UNITECH LTD. & ORS.

RESPONDENTS

[ONLY IA NO. 234374/2023 IS LISTED UNDER THIS ITEM]

(IA No. 234374/2023 - INTERVENTION AND DIRECTIONS)

Date : 23-01-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Applicant in

IA No.234374/2023: Mr. P. Chidambaram, Sr. Adv.
Mr. Akshat Gupta, Adv.
Mr. Shrey Nautiyal, Adv.
Ms. Vrinda Bhandari, AOR

For Appellant(s) :

Mr. Deepak Goel, AOR
Mr. Kumar Kartikay, Adv.
Ms. Purvi Goyal, Adv.
Ms. Neelu Sharma, Adv.
Mr. Karthik Hooda, Adv.
Mr. E Vinay Kumar, Adv.
Mr. Himanshu Singh Dhillon, Adv.
Mr. Pardeep Dahiya, Adv.

For Respondent(s) :

Mr. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mrs. Chitrangda Rastravara, Adv.
Ms. Shreya Jain, Adv.
Mr. Jagdish Chandra Solanki, Adv.

Mr. Pawanshree Agrawal, AOR
Mr. Pawanshree Agrawal, Amicus Curiae
Mr. Varun K. Chopra, Adv.

Ms. Anubha Agrawal, AOR

Ms. Mumtaz Bhalla, AOR
Ms. Prapti Allagh, Adv.

Mr. Mukesh Kumar, AOR
Ms. Meenakshi Sood, Adv.
Mr. Adarsh Singh, Adv.

Ms. Nidhi Mohan Parashar, AOR

Mr. Viraj S. Shah, Adv.
Mr. Sandeep Singh Dhingra, Adv.
Ms. Gurjinder Kaur, Adv.
Mr. Anuj Tiwari, Adv.
Mr. Shubham Rajhans, Adv.
Mr. Ishank Ranjan, Adv.
Ms. Charanjeet Sidhu, Adv.
Mr. Sanjay Parkash, Adv.
Ms. Manju Jetley, AOR

Ms. Upasana Nath, AOR
Mr. Aman Raj Gandhi, AOR
Mr. Amit Agrawal, AOR
Ms. Mrinal Gopal Elker, AOR
Mr. Mohit D. Ram, AOR

Mr. Gopal Sankarnarayanan, Sr. Adv.
Mr. Dhruv Malik, Adv.
Ms. Aditi Sinha, Adv.
Ms. Rajnandini Singh, Adv.
M/S. Juris Corp., AOR

Mrs. Rachna Gupta, AOR
Ms. Asiya Khan, AOR
Mr. Deepak Goel, AOR
Ms. Sujata Kurdukar, AOR
Mr. E. C. Agrawala, AOR
Mr. Tushar Singh, AOR
Mr. Sandeep Devashish Das, AOR
Mr. Rajan Chawla, AOR
Mr. Arup Banerjee, AOR

Mr. Vishal Arun, AOR
Mr. P. R. Rajhans, Adv.

Mr. Amarnath Gupta, Adv.
Mr. Sudheesh K. K., Adv.
Mrs. Sanooja M., Adv.
Mrs. Sampa Sengupta Ray, Adv.
Mr. Dileep Kumar Dubey, Adv.

Mr. Shankar Divate, AOR
Ms. Anshula Vijay Kumar Grover, AOR
Mr. Navneet R., AOR

Mr. Ishan Sanghi, Adv.
Mr. Rajeev Singh, AOR

Mr. Shashank Manish, AOR
Ms. Nidhi Sahay, Adv.

Mr. Kartik Yadav, Adv.
Mr. Parinay Vasandani, Adv.
Mr. Manhar Singh Saini, Adv.
Mr. Vardaan Wanchoo, Adv.
Mr. Chandra Prakash, Adv.
M/S. D.S.K. Legal, AOR

Mr. Sunil Fernandes, AOR
Mr. Aakarsh Kamra, AOR

Mr. Zoheb Hussain, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Vivek Gurnani, Adv.
Mr. Arvind Kumar Sharma, AOR
Ms. Shweta Desai, Adv.
Ms. Nidhi Saini, Adv.
Ms. Akshita Choubey, Adv.
Ms. Karuna Sharma, Adv.

Ms. Neha Sharma, AOR

Mr. Shashwat Parihar, Adv.
Mr. Yashraj Singh Bundela, AOR
Ms. Saloni, Adv.
Mr. Rohan Singla, Adv.

Ms. S. Ramamani, AOR

Mr. Mandeep Kalra, AOR
Mr. Vaibhav Yadav, Adv.
Ms. Anushna Satapathy, Adv.
Ms. Radhika Jalan, Adv.
Mr. Yashas J, Adv.

Ms. Widaphi Lyngdoh, Adv.
Ms. Anchita Nayyar, Adv.

Ms. Shriya Maini, AOR
Mr. Vinay Chadda, AOR
Mr. Divyesh Pratap Singh, AOR
Ms. Shruti Agarwal, AOR

Ms. Ruby Singh Ahuja, Adv.
Mr. Debmalya Banerjee, Adv.
Mr. Kartik Bhatnagar, Adv.
Mr. Rohan Sharma, Adv.
Ms. Kritika Sachdeva, Adv.
Ms. Apurva, Adv.
Mr. Agastya Shelat, Adv.
Mr. Tribhuvan Narain Singh, Adv.
Ms. Liza Vohra, Adv.
Mr. Sidhant Kumar Marwah, Adv.
Ms. Ekksha Kashyap, Adv.
M/S. Karanjawala & Co., AOR

Mr. Ankolekar Gurudatta, AOR
Mr. Karoda Pramod Kumar, Adv.

Mr. Kamal Mohan Gupta, AOR
Mrs. Aarthi Rajan, AOR
Mr. Adeel Ahmed, AOR
Ms. Divya Roy, AOR
M/S. Gorkela Law Office, AOR

Mr. Utkarsh Jaiswal, AOR
Mr. Vikas Tiwari, Adv.

Mr. Abhishth Kumar, AOR

Mr. Braj Kishore Mishra, AOR
Mr. Abhishek Yadav, Adv.
Mr. Ajay Kumar Srivastava, Adv.
Ms. Mini Kishore, Adv.

Mr. Nitin Saluja, AOR

Mr. Rajesh Kumar Gautam, AOR
Mr. Anant Gautam, Adv.
Mr. Deepanjal Choudhary, Adv.
Mr. Dinesh Sharma, Adv.
Ms. Likivi Jakhalu, Adv.
Mr. Kushagra Nilesh Sahay, Adv.

Mr. Sarad Kumar Singhania, AOR
Mr. Ansar Ahmad Chaudhary, AOR
Dr. Ashutosh Garg, AOR
Mrs. Rachna Gupta, AOR

Mr. Shivendra Singh, AOR
M/S. Vachher And Agrud, AOR
Mr. Y. Raja Gopala Rao, AOR
Mr. Sonal Jain, AOR

Mr. Ahanthem Henry, Adv.
Mr. Ahanthem Rohen Singh, Adv.
Mr. Mohan Singh, Adv.
Mr. Aniket Rajput, Adv.
Ms. Khoisnam Nirmala Devi, Adv.
Ms. Relanso Hongray, Adv.
Mr. Rajiv Mehta, AOR

Ms. Misha Rohatgi, AOR
Mr. Nakul Mohta, Adv.
Mr. Bharat Monga, Adv.
Mr. Amulya Upadhyay, Adv.

Mr. Manish Kumar Gupta, AOR
Mr. Neeraj Kumar Gupta, AOR
Mr. Hrishikesh Baruah, AOR

Ms. Madhusmita Bora, AOR
Mr. Pawan Kishore Singh, Adv.

Mr. Rohit Kumar Singh, AOR
Ms. Shweta Priyadarshini, Adv.
Ms. Nishi Singh, Adv.

Mr. Manoj C. Mishra, AOR
Mr. Nitesh Ranjan, AOR

Mr. Nitin Gupta, Adv.
Mr. Pranjal Vyas, Adv.
Mr. Somanatha Padhan, AOR
Mr. Akash Kakade, Adv.
Mr. Parth Kansal, Adv.

Mr. Karan Batura, AOR
Mr. Akshat Kumar, AOR
Mr. Raj Kamal, AOR
Mr. Sunil Kumar Verma, AOR
Mr. Pranav Kumar, AOR

Mr. C. K. Sasi, AOR
Ms. Meena K Poullose, Adv.

Mr. Sushil Kumar Singh, AOR

Ms. Sunieta Ojha, AOR
Mr. Rajeev Kumar Panday, Adv.

Mr. Raj Kishor Choudhary, AOR
Ms. Malvika Kapila, AOR
Mr. Abhay Singh, AOR

Mr. Amrish Kumar, AOR
Mr. Vikramjit Banerjee, A.S.G.
Mr. Shradha Deshmukh, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Siddhant Kohli, Adv.
Ms. Nidhi Khanna, Adv.
Mr. Rajan Kr.chourasia, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Sudarshan Lamba - Aor, Adv.

Mr. Karan Batura, AOR

Mr. Rajesh Kumar Chaurasia, AOR
Mr. Shailendra Kumar Nirmal, Adv.
Ms. Satyama Dubey, Adv.
Mr. Rajan Kumar Chourasia, Adv.
Mr. Gautam Kumar, Adv.

Ms. Jasmine Damkewala, AOR
Ms. Vaishali Sharma, Adv.
Mr. Divyam Khera, Adv.
Mr. Advait Joshi, Adv.

Mr. Utkarsh Sharma, AOR
Mr. Shubham Sakhuja, Adv.

Mr. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mrs. Chitrangda Rastaravara, Adv.
Ms. Shreya Jain, Adv.
Mr. Jagdish Chandra Solanki, Adv.

Mr. Syed Jafar Alam, AOR
Ms. Charu Mathur, AOR
Ms. Pallavi Langar, AOR
Mr. Shantwanu Singh, AOR

Mr. Atmaram Ns Nadkarni, Sr. Adv.
Mr. Salvador Santosh Rebello, AOR
Ms. Kritika, Adv.

Mr. Shikhil Suri, Sr. Adv.
Mr. Dhananjai Jain, AOR
Mr. Bhoop Singh, Adv.
Mr. Rishabh Gautam, Adv.
Mr. Anurag Mishra, Adv.
Mrs. Minoti Kumari, Adv.
Ms. Omita Unnarkar, Adv.

Mr. Sujoy Chatterjee, AOR
Ms. Meera Mathur, AOR
Mr. Abhishek Kumar Singh, AOR
Mr. Atul Kumar, AOR
Mr. Vineet Bhagat, AOR

Ms. Eshna Kumar, Adv.
Mr. Udit Gupta, Adv.
M/S. Udit Kishan And Associates, AOR

Mr. D. S. Chauhan, AOR
Mr. Shikher Badial, Adv.

Ms. Mithu Jain, AOR

Mr. Tishampati Sen, Adv.
Ms. Riddhi Sancheti, AOR
Mr. Anurag Anand, Adv.
Mr. Mukul Kulhari, Adv.

Mr. Aman Gupta, AOR
Mr. Vikas Kumar, AOR
Mr. Ravi Tyagi, AOR
Ms. Niharika Ahluwalia, AOR
Mr. M. P. Vinod, AOR
Ms. Meera Mathur, AOR
Mrs. Geetha Kovilan, AOR
Petitioner-in-person, AOR

Mr. Ravi Prakash Mehrotra, Sr. Adv.
Mr. Kaushik Choudhury, AOR
Mr. Akarsh Garg, Adv.
Mr. Shaantanu Jain, Adv.
Mr. Archit Gupta, Adv.
Mr. Saksham Garg, Adv.
Mr. Subhan Shankar Gogoi, Adv.
Mr. Jyotirmoy Chatterjee, Adv.

Mr. Akshat Shrivastava, AOR

Ms. Raakhi Poornym Sahijpal, Adv.

Ms. Uditha Chakravarthy, Adv.

Mr. Ankur S. Kulkarni, AOR

Mr. Tarun, Adv.

Mr. Devendra Singh, AOR

Mr. Prem Prakash, AOR

Mrs. B. Sunita Rao, AOR

Mr. Gunmaya Singh Mann, Adv.

Mr. Sameer Jain, Adv.

Mr. Suvigya Awasthy, Adv.

Mr. Vivek Joshi, Adv.

Mr. Deepesh Raj, Adv.

Mr. Soayib Qureshi, AOR

Mr. A. Karthik, AOR

Mr. Rajesh Kumar Chaurasia, AOR

Mr. Shailendra Kumar Nirmal, Adv.

Ms. Satyama Dubey, Adv.

Mr. Rajan Kumar Chourasia, Adv.

Mr. Gautam Kumar, Adv.

Mr. Mohit Paul, AOR

Mr. Ashwani Kumar, AOR

Mr. Gaurav Goel, AOR

Mr. Arvind Kumar Tewari, AOR

Mr. Abhay Anand Jena, AOR

Mr. Sudhir Kulshreshtha, AOR

Mr. Jeetender Gupta, AOR

Mr. Shree Prakash Sinha, Adv.

Mr. Rakesh Mishra, Adv.

Mr. Anand Kumar, Adv.

Mr. Shekhar Kumar, AOR

Mr. Fuzail Ahmad Ayyubi, AOR

Mr. Ibad Mushtaq, Adv.

Ms. Akanksha Rai, Adv.

Ms. Gurneet Kaur, Adv.

Mr. Shreyas Jain, Adv.

Mr. Pranab Prakash, AOR

Mr. Kumar Dushyant Singh, AOR
Mr. Rohit Sharma, Adv.
Mr. Shakti Singh Dhakray, Adv.
Mr. Rahul Ranjan, Adv.

Mrs. Geetha Kovilan, AOR
Ms. Priyanjali Singh, AOR

Mr. Vikramjit Bannerjee, A.S.G.
Mr. Raj Bahadur Yadav, AOR
Mr. Ayush Puri, Adv.
Mrs. Praveena Gautam, Adv.
Mrs. Ruchi Kohli, Adv.
Mr. Siddhant Kohli, Adv.
Mrs. Nidhi Khanna, Adv.
Mr. Raman Yadav, Adv.
Ms. Sweksha, Adv.

Mr. Dhruv Tamta, AOR

Mr. Amit Shrivastava, AOR

Mr. Sudhir Mahajan, Adv.
Mr. Ajit Kumar Ekka, AOR

Mr. Rameshwar Prasad Goyal, AOR
Mr. Anubhav, Adv.
Mr. Yashwant Singh Yadav, Adv.
Mr. Vijay Pal, Adv.
Mr. D N Ojha, Adv.
Mrs. Preeti Yadav, Adv.

Mr. Utsav Trivedi, Adv.
Ms. Shivani Bhushan, Adv.
Mr. Ashish Yadav, Adv.
M/S. Tas Law, AOR

Mr. Prem Sunder Jha, Adv.
Ms. Manjula Gupta, AOR

Mr. Thomas Oommen, AOR
Mr. Hiresh Choudhary, AOR
Mr. Sanjay Kumar Tyagi, AOR

Dr. Vinod Kumar Tewari, AOR
Mr. Pramod Tiwari, Adv.
Mr. Vivek Tiwari, Adv.
Ms. Priyanka Dubey, Adv.

Ms. Nidhi Jain, Adv.
Mr. Bhavya Goyal, Adv.
Ms. Archana Pandey, Adv.

Mr. Sudhansu Palo, AOR
Ms. Damyanti Juneja, Adv.
Mr. Vijay Mittal, Adv.
Mr. Rakesh Kumar Palo, Adv.
Dr. Joginder Singh Berwal, Adv.
Mr. Rajesh Palo, Adv.

Mr. Nikilesh Ramachandran, AOR
Mr. Abhinay, AOR
Mrs. Pragya Baghel, AOR

Mr. Dhruv Surana, Adv.
Mr. Rohit Amit Sthalekar, AOR
Mr. Purnendu Bajpai, Adv.
Mr. Shashank Singh, Adv.

Ms. Amrita Sarkar , AOR
Mr. Ashish Singh, Adv.

Mr. Samir Malik, AOR
Ms. Nikita Choukse, Adv.
Mr. Tushar Mathur, Adv.
Ms. Himani Yadav, Adv.

Mr. Kausar Raza Faridi, AOR

Ms. Ritu Rajkumari, Adv.
Mr. Kripa Shankar Prasad, AOR
Ms. Snigdha Tripathi, Adv.

Mr. ML Lahoty, Sr. Adv.
Ms. Stuti Rai, Adv.
Mr. Yash S. Vijay, AOR

Mr. Sumit R. Sharma, AOR
Mr. Arvind Gupta, AOR
Ms. Rashi Bansal, AOR
Mr. V. K. Monga, AOR
Mr. Kaustubh Shukla, AOR
M/S. K J John And Co, AOR

Mr. Atishi Dipankar, AOR
Mr. Rajesh Tyagi, Adv.
Mr. Raghvendra Pratap Singh, Adv.

Mr. Amit Suden, Adv.

Mr. Himanshu Shekhar, AOR
Dr. Surender Singh Hooda, AOR

Mr. Abdul Azeem Kalebudde, AOR
Mrs. Taherabi Kalebudde, Adv.

Mr. Ashish Prasad, Adv.
Ms. Mukta Dutta, Adv.
Mr. Mahfooz Ahsan Nazki, AOR
Mr. Harsha Gollamudi, Adv.
Mr. Pruthvi Dhinoja, Adv.

Mr. Saurabh Agrawal, AOR
Mr. Preshit Vilas Surshe, AOR

Mr. Neeraj Shekhar, AOR
Mrs. Kshama Sharma, Adv.
Mr. Rajesh Kumar Maurya, Adv.
Mr. Anand Krishna, Adv.
Mr. Ram Bachan Choudhary, Adv.
Mr. Amrendra Singh, Adv.

Mr. P. K. Jain, AOR
Mr. Milind Kumar, AOR

Mr. Sajan Poovayya, Sr. Adv.
Mr. Vikram Hegde, Adv.
Ms. Hima Lawrence, AOR
Mr. Abhinav Hansaraman, Adv.
Ms. Raksha Agarwal, Adv.
Mr. Abhishek Kakkar, Adv.
Mr. Palash Maheshwari, Adv.

Mr. Ujjal Banerjee, AOR
Mr. Bharat Bhushan, AOR
Mr. Siddhartha Sinha , AOR

Ms. Anushri Singh, Adv.
Ms. Rashmi Singh, AOR

Mr. Sanyat Lodha, AOR

Mr. Karuppaiah Meyyappan, Adv.
Mr. Raghunatha Sethupathy B, AOR
Mr. S.sabari Bala Pandian, Adv.
Ms. Kanika Kalaiyarasan, Adv.

Mr. Rakesh Mittal, Adv.
Ms. Yamini Mittal, Adv.
Mr. D. Abhinav Rao, AOR
Mr. Ajay Harshana, Adv.

Ms. Diva Singh, Adv.
Mr. Anant Kumar Vatsya, Adv.
Mr. Avinash Poddar, Adv.
Mr. Ankit, Adv.
Mr. Devendra Singh, AOR

Mr. Vipin Kumar Jai, AOR
Mr. B. Krishna Prasad, AOR
Mr. Ravi Panwar, AOR
Ms. Astha Tyagi, AOR

Ms. Tulika Mukherjee, AOR

Ms. Awantika Manohar, AOR

Mr. Govind Jee, AOR
Mr. Omanakuttan K K, Adv.
Mr. Akhilesh Kumar Mishra, Adv.

M/S. Delhi Law Chambers, AOR

Mr. Shailesh Sharma, Adv.
Dr. Vijendra Singh, AOR
Mr. Kumar Abhinandan, Adv.
Mr. Deepak Goel, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA No. 234374/2023:

1. The instant application seeks revocation of suspension of the applicant ordered *vide* order dated 13.10.2021, passed by the Director General (Prisons), Delhi, which has been extended from time to time, resulting into continuous suspension of the applicant, who is currently serving in the rank of Assistant Superintendent

(Jail) in the Delhi Prison Department.

2. The applicant (Chetram Meena) was posted as Assistant Superintendent of Jail in Central Jail No.7 of the Tihar Central Jail, Delhi. At that point in time, the ex-promoters/Directors of the Unitech Limited, viz., Ajay Chandra and Sanjay Chandra, were lodged in that Central Jail as under-trial prisoners, w.e.f. 07.08.2020 and 17.08.2020, respectively. The applicant was, after some days, transferred from Central Jail No.7 of the Tihar Jail, Delhi to Jail No.11 of Mandoli Jail, Delhi, on 31.08.2020.

3. It may be mentioned that the above named ex-promoters/Directors of Unitech Limited and other functionaries of the Company were arrested on account of alleged large scale burglary/ misappropriation/ misuse/ siphoning etc. of the hard earned money of home buyers, who had invested in various projects launched from time to time by the Developer-cum-builder Company. There are multiple issues in relation to the Unitech, including protection of interest of thousands of home buyers, which are pending consideration before this Court in the main case.

4. Following the arrest of the said ex-promoters/Directors of the Unitech, it was brought to

the notice of this Court that they were being extended some extraordinary facilities inside the Tihar Central Jail, Delhi, to which, they were not entitled to, as per the prescribed norms. Such an action prompted this Court to pass an order on 26.08.2021 those additional facilities which were beyond the normal course, in terms of the Jail Manual. This Court further directed the Commissioner of Police, Delhi, to make an immediate enquiry into the contents of a communication dated 16.08.2021, which was addressed to him by the Directorate of Enforcement "so that all the officers and staff of Tihar Central Jail, Delhi, who may be complicit in the violation of law, are held accountable."

5. The Commissioner of Police submitted an enquiry report dated 28.09.2021 and in terms of its contents in paragraph 37, this Court accorded permission to conduct a full-fledged preliminary investigation against the persons mentioned therein, as also against any unknown person. It was also stated before this Court that a criminal case under Sections 7, 8 and 12 of the Prevention of Corruption Act, 1988, read with Sections 201/120-B of the Indian Penal Code, 1860, shall also be registered in the Crime Branch of Delhi Police.

6. Taking note of these disturbing events, this Court *vide* order dated 06.10.2021 issued the following interim directions:

"We direct that, in the meantime, the officials of Tihar Jail who have been *prima facie* found to be complicit in the course of the Enquiry shall be placed under suspension pending further proceedings."

7. It was in deference to the above reproduced directions that 32 officers/officials of the Tihar Central Jail, Delhi, including the applicant (Chetram Meena) were placed under suspension, as noticed at the outset of this order.

8. As informed by learned Additional Solicitor General of India, the applicant as well as other officers/officials, who were placed under suspension, continue to be under suspension, though 4 of them have meanwhile retired from service and services of 2 of them, who were engaged contractually, have been dispensed with.

9. Learned Additional Solicitor General further informs that most of the officers/officials under suspension, have now been charge sheeted in the month of October, 2024, and thus, a regular enquiry is proposed to be conducted against them in accordance with the Central

Civil Services (Classification, Control and Appeal) Rules, 1965. As regards the criminal case which was registered under the Prevention of Corruption Act, 1988/Indian Penal Code, 1860, it seems that no charge sheet has been filed so far. However, we are not concerned about the status of proceedings in that case, at this stage.

10. As noticed in the beginning of this order, the prayer of the applicant is to recall the directions contained in paragraph 2 of our order dated 06.10.2021 and allow his reinstatement in service.

11. In this regard, we have heard Mr. P. Chidambaram, learned senior counsel for the applicant as well as Ms. Aishwarya Bhati, learned Additional Solicitor General of India.

12. There can hardly be any dispute that on expiry of six months period of suspension, ordinarily a Government official would become entitled to subsistence allowance at the rate of 75% of the pay, save and except when such subsistence allowance has to be denied for some valid reasons. We, thus, proceed on a premise that most of the suspended officers/officials are now receiving 75% pay without having to perform any work. Additionally,

considering charge sheets have been issued very recently in October, 2024, we can safely infer that the conclusion of the departmental proceedings will take some reasonable time. Similarly, the criminal proceedings, pending against the suspended officials, are also not likely to reach to a logical conclusion within a short time.

13. That being so, it seems that the directions contained in paragraph 2 of the order dated 06.10.2021, if allowed to operate indefinitely, will be prejudicial to the State Exchequer and will hardly serve any purpose, until and unless the Competent Authority is of the considered opinion that the reinstatement of an official is likely to cause impediment in conducting a fair and impartial enquiry.

14. Consequently, we recall the directions contained in paragraph 2 of the order dated 06.10.2021 and leave it entirely to the discretion of the Competent Authority to examine all the cases of officers/officials, who are under suspension, pursuant to our above stated direction, and take an appropriate decision as to whether they should be reinstated or not. It goes without saying that if the Competent Authority finds that the reinstatement of any official will not be an impediment or obstruction in

continuation of the Departmental proceedings, such an official can be reinstated without prejudice to the outcome of the Departmental action.

15. Let the Competent Authority take an appropriate decision within a period of four weeks.

16. At the cost of repetition, it is clarified that we have not expressed any opinion on the merits of the alleged misconduct, if any, committed by any officer/official and/or on the merits of the criminal case registered against them. The Departmental proceedings or the said criminal cases may proceed in accordance with law as per their merits.

17. IA No. 234374/2023 stands allowed and disposed of in the above terms.

(POOJA SHARMA)
COURT MASTER (SH)

(ANU BHALLA)
COURT MASTER (NSH)