

F.No. 11012/8/2003-Estt. (A)
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

New Delhi, dated the 23rd October, 2003

OFFICE MEMORANDUM

Sub. : Deemed Suspension under Rule 10 (2) of the CCS (CCA) Rules, 1965 - Supreme Court decision in the case of Union of India Vs. Rajiv Kumar.

Reference is invited to Rule 10 (2) of the CCS (CCA) Rules, 1965 which provides that a Government servant shall be deemed to have been placed under suspension by an order of the appointing authority with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 hours.

2. A question whether the order of suspension in a case covered under Rule 10 (2) of the CCS (CCA) Rules, 1965 has limited operation for the period of detention and not beyond it, was considered by the Supreme Court in the case of Union of India Vs. Rajiv Kumar (2003 (5) SCALE 297). Allowing the appeals of the Union of India in this case the Supreme Court has held that the order in terms of Rule 10 (2) is not restricted in its point of duration or efficacy to the actual period of detention only. It continues to be operative unless modified or revoked under Sub-Rule (5) (c) as provided in Sub-Rule 5 (a) of Rule 10 of the CCS (CCA) Rules, 1965.

3. Ministries/Departments are requested to bring the above ruling of the Supreme Court to the notice of all concerned so that the same is appropriately referred to in all cases where the

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question of validity of continued suspension after release from detention of a Government servant comes up consideration before the CAT, High Court or Supreme Court.

P. Mohan

(Smt. Pratibha Mohan)
Director

To

1. All Ministries/Departments of the Government of India.

Copy to

1. Comptroller and Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha/Rajya Sabha Secretariat.
7. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.
8. All Officers and Sections of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

P. Mohan

(Smt. Pratibha Mohan)
Director