
(2007) 07 GAU CK 0010
In the Gauhati High Court

S.P. Singh Yadav

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 24-07-2007

Acts Referred:

Citation : (2007) 4 GLT 782

Hon'ble Judges : Hrishikesh Roy, J

Bench : Single Bench

Judgement

Hrishikesh Roy, J.—Heard Mr. P.K. Tiwari, learned Counsel appearing for the petitioner. Also heard Mr. D.K. Das, learned Standing counsel representing the CBI.

2. The Director General of Police of Provincial Armed Constabulary (PAC) U.P. Mahanagar Lucknow, arrayed as respondent No. 4, although served notice, has chosen not to appear in the court.

3. The petitioner, who was initially appointed as a Sub-Inspector in U.P. Police, was appointed on 14.10.93 as Inspector of Police in CBI w.e.f. 24.9.93 on being sent on deputation to the CBI by the U.P. Police. The petitioner served in the CBI from 1993 and during the initial years of his service in CBI from 1993 to 1998, he was graded outstanding and also was chosen for 17 cash rewards and 19 commendation certificates for the excellent service and the investigation rendered by him while on deputation with the CBI.

4. On 26.4.2000, a suspension order came to be passed under Rule 5(1) of the Delhi Special Police Establishment (Subordinate Ranks) (Discipline and Appeal) Rules 1961 (hereinafter referred to as "1961 Rules") by which the petitioner was placed under suspension with immediate effect in contemplation of a disciplinary proceeding to be initiated against the petitioner. The said suspension order was passed by K.C. Kanungo, the Deputy Inspector General of Police, CBI, NE Region, Guwahati.

5. The first charge sheet against the petitioner was issued on 11.5.2000 alleging

that the petitioner remained absent for certain periods in Oct., 1999 and that he submitted a false medical certificate.

The second charge sheet dt. 17.5.2000 was issued against the petitioner alleging, inter alia, that in the year 1997 the petitioner did not submit his weekly diary and that in the year 1999 the weekly diaries submitted by him did not tally with the case diary on the investigation of cases done by him.

The third charge sheet dt. 22.5.2000 was issued to the petitioner alleging that he recommended closure of a case under his investigation, without sufficient justification for his recommendation for closure.

6. The petitioner challenged the legality of the charge sheets issued against him by filing separate applications being O.A. Nos. 30/01, 31/01 and 61/01 before the Central Administrative Tribunal (CAT), Guwahati contending that the allegations against the petitioner were frivolous and without any basis and that the said charges have been levelled as an act of vendetta against the petitioner. The three Original Applications of the petitioner came to be disposed of by a common order by the CAT, Guwahati passed on 4.5.01. By the said order the learned Tribunal permitted the departmental proceeding against the petitioner to proceed and come to its logical conclusion, as per law.

But it was ordered that the disciplinary authority of the writ petitioner namely, Shri K.C. Kanungo, DIG of Police, CBI should not act as a disciplinary authority against the writ petitioner and accordingly the learned Tribunal recused the said officer to act as the disciplinary authority against the writ petitioner.

7. Arising out of an order dt. 9.7.01 passed by the CAT in O.A. No. 137/2000 directing the payment of salary to the petitioner for the month of Oct., 1999, an order dt. 18.10.01 came to be passed by the DIG of Police, CBI (disciplinary authority) whereby it was recorded that the first charge levelled against the petitioner by charge sheet dt. 11.5.2000 has already been decided in favour of the petitioner by the CAT.

Accordingly, it was ordered that the Enquiry Officer would now enquire into the other two charges levelled against the writ petitioner.

8. In the meantime, since the petitioner was making a claim for absorption in the CBI and there was a direction of this Court on 5.2.02 in WP (C) No. 3420/2000 filed by the writ petitioner, for consideration of his claim of absorption, an order dt. 12.5.02 came to be passed by the Supdt. of Police, CBI, ACB, Guwahati wherein it was recorded that the matter of absorption of the writ petitioner, after consideration by the Screening Committee, was not recommended. The said recommendation of non-absorption had been approved by the Director, CBI, New Delhi (competent authority).

Accordingly, it was recorded on 12.5.02 that the petitioner stands relieved from CBI, ACB, Guwahati w.e.f. 12.5.02 and it was directed that he should report to his parent Deptt., as he had joined in CBI on deputation from U.P. Police.

9. The petitioner by filing an O.A. No. 154/02 in CAT, Guwahati challenged the repatriation order dt. 12.5.02. The said application was dismissed by the CAT on 23.9.02. But the learned Tribunal while dismissing the application challenging repatriation, did not consider as to whether the borrowing authority could have ordered for repatriation with out revoking the order of suspension and without clarifying as to how the period of suspension would be treated regarding the salary and other dues of the petitioner.

10. In the writ petition filed in W.P. (C) No. 1338/03 in this Court challenging the order dt. 23.9.02 by the CAT, Guwahati, an Interim Order dt. 28.3.03 was passed by the High Court restraining the respondent authorities from giving effect to repatriation during pendency of departmental proceeding. There was a further direction to pay the subsistence allowance to the petitioner in accordance with law.

By a subsequent order dt. 20.1.04, this High Court vacated the earlier Interim Order stopping repatriation but ordered that, the subsistence allowance be paid to the petitioner.

Finally on 12.3.04 the High Court dismissed the W.P. (C) No. 1338/03 with the observation "we find that on and from the date the petitioner has been repatriated, there was no order of suspension in force and thus the order dt. 12.5.02 was issued in accordance with law."

11. Pursuant to the deemed revocation of the suspension order passed by the High Court on 12.3.04 while dismissing the writ petition, the petitioner made efforts for joining his duties in his parent Deptt. of U.P. Police and also made claims for settlement of the dues which have remained unpaid from the CBI.

12. During this period, correspondences were going on between the U.P. Police and the CBI on the subject of the disciplinary proceeding against the writ petitioner. A communication dt. 27.7.04 was sent by IGP, PAC, Hq. Mahanagar, Lucknow, U.P. to the CBI stating that the departmental action initiated against the petitioner is an internal matter of the CBI and as such the same can only be decided by the borrowing Authority.

A similar letter dt. 28.8.04 was sent by IG, PAC, Hqrs. U.P. to the CBI stating that as the Borrowing Deptt., the CBI should complete the departmental action against the petitioner and only then he should be repatriated back to his parent Deptt. It was further directed that "all dues for the suspension period should also be paid to the petitioner."

In response to the aforesaid communication of the U.P. Govt., the Joint Director (Administration), CBI, HO, New Delhi, wrote a letter dt. 1.11.04 to the DGP, PAC, HQ, U.P. requesting the U.P. Police to carry on the disciplinary proceeding against the writ petitioner by suggesting actions under the CCS (CCA) Rules, which is not at all applicable in the instant case.

13. While the matter was being shuffled between the U.P. Police and the CBI, the

petitioner in view of the uncertainty about his position, filed a Review Application No. 114/04 before the Gauhati High Court seeking review/clarification of the earlier order passed by this Court on 12.3.04.

By order dt. 18.11.04 the Gauhati High Court took a view in the review proceeding that the issue raised by the petitioner as to whether there is a deemed revocation of the suspension order as a consequence of repatriation to the parent Deptt. cannot be an issue, which should be entertained by this Court in exercise of its review jurisdiction. Accordingly the petitioner was left with no option but to file a SLP before the Supreme Court.

The Supreme Court by its order dt. 7.3.05 dismissed the SLP of the writ petitioner with the observation that:

we see no reason to interfere with the decision of the High Court by which it has upheld the order of repatriation as also its observation regarding the effect of repatriation on the pending disciplinary proceedings.

14. Meantime, the petitioner having failed in his endeavour to either join the U.P. Police on the basis of repatriation orders passed on 12.5.02 by the CBI and also because of the failure of the CBI to pay him his transfer TA and other dues, while the petitioner remained under suspension, filed the present writ petition before this Court.

In this writ petition the petitioner has raised, inter alia, the following important issues:

(i) Whether the disciplinary proceedings against the petitioner are still alive or whether they stand automatically terminated after passing of the repatriation order dt. 12.5.02?

(ii) If the disciplinary proceedings are still alive whether it would be CBI (borrowing authority) or the U.P. Police (the lending Authority), who will carry on the disciplinary proceedings against the petitioner?

(iii) Whether the petitioner would be en-titled to service benefits from 26.4.2000 (suspension order) to 12.5.2002 (repatriation order) and who would pay such service benefits to the petitioner?

(iv) Who will pay the service benefits to the petitioner after 12.5.02 (repatriation order) till 30.3.2007 (Reinstatement order).

(v) From which date the repatriation order dt. 12.5.02 should be given effect to?

15. During the pendency of the present writ proceeding before this Court, the petitioner once again attempted to joint his duties in U.P. Police. Thereafter the U.P. Police addressed a letter dt. 25.8.05 to the petitioner requiring him to report to the Headquarter of U.P. Police. After the petitioner reported to the Headquarter, an order dt. 21.9.05 came to be passed directing attachment of the petitioner with the 25th Bn PAC in Raebareli, U.P.

However, it may be noted that the petitioner was treated to be under suspension by the U.P. Police, till the IGP, PAC, U.P. passed the order dt. 30.3.07, revoking the order of suspension passed against the petitioner.

16. Mr. P.K. Tiwari, learned Counsel appearing for the petitioner, after narrating the chequered history of the case of the writ petitioner, has submitted that the petitioner while being posted to the CBI had earned great appreciation and recognition for services rendered with the CBI. But notwithstanding such appreciation, on flimsy ground, the petitioner became a victim of vendetta of an officer in the CBI, who also happened to be the disciplinary authority of the writ petitioner.

Because this officer wanted to ruin the career of the petitioner, false charges were levelled against the petitioner and all the disciplinary steps taken against the petitioner including his suspension was at the behest of the said officer. Mr. Tiwari, the learned Counsel specifically pointed out and submitted that on consideration of the materials, the learned CAT, Guwahati by its order dt. 4.5.01 had directed the said officer to recuse himself from the disciplinary proceedings initiated against the petitioner.

17. The learned Counsel for the petitioner further submits that in the instant case the disciplinary proceeding was initiated against the petitioner not because of any justification for initiation of such disciplinary proceeding but because of extraneous pressure brought upon by an officer, who was inimical to the writ petitioner and only because there were no justification to proceed against the writ petitioner, the CBI authorities failed to take the disciplinary proceedings to its logical conclusion.

18. It is also contended on behalf of the writ petitioner that the repatriation order dt. 12.5.02 passed against the writ petitioner by the CBI (borrowing authority) had nothing to do with the disciplinary proceeding initiated against the petitioner and the disciplinary proceeding should have been dealt with by the CBI in terms of the provisions enshrined in 1961 Rules.

19. The learned Counsel further contends that the CBI authorities have failed to discharge its responsibility in terms of 1961 Rules and as such the continuous suspension of the petitioner right from 26.4.2000 till the petitioner was reinstated in service on 30.3.07 by the IGP, PAC, UP, was on account of lapses of the CBI authorities and accordingly the CBI authorities should be held responsible for the harassment caused to the petitioner and CBI should also be held responsible for payment of all the dues to the writ petitioner till 30.3.07, when he was reinstated in service.

20. By referring to the provisions of FR 54B, it is submitted that the CBI authorities, after ordering suspension of the petitioner on 26.4.2000 should have passed specific order regarding pay and allowance to be paid to the writ petitioner for the period of suspension till he was reinstated in service and should have also passed specific order as to how the suspension period of the petitioner

is to be treated.

As the CBI authorities failed to pass any such order as is required to be passed under FR 54B, the CBI should be fastened with all the liabilities for payment of dues to the petitioner, as it is through the fault of the CBI, that the petitioner has not been paid his dues.

21. Mr. D.K. Das, learned Standing Counsel, on the other hand, submits that after passing of the repatriation order dt. 12.5.02, the relationship between the CBI and the writ petitioner ceases and no liability can be fastened on the CBI for any due to the petitioner after the repatriation order was passed.

The learned Standing counsel for the CBI has also referred to the counter affidavit filed and submits that after the repatriation order dt. 12.5.02, the CBI as a borrowing deptt. is functus officio in the matter of disciplinary proceeding against the writ petitioner and the said disciplinary proceedings are now required to be taken to its logical end by the lending deptt. i.e. (U.P. Police) and there cannot be any direction on the CBI to complete the disciplinary proceeding against the petitioner.

It is also contended by the learned Standing Counsel that the CBI authorities could not complete the disciplinary proceeding because of various legal proceedings initiated by the petitioner challenging the charge memos as well as the repatriation order and accordingly the CBI cannot be faulted for delay/non-conclusion of the departmental proceeding.

It is further submitted that any claim of the writ petitioner will be settled by the CBI only after completion of the departmental proceeding against the petitioner, which responsibility should be discharged by the U.P. Police, being the parent deptt, and unless the said disciplinary proceedings are concluded, no payment can be made by the CBI to the petitioner.

It is specifically contended that the claim for higher subsistence allowance made by the petitioner against the CBI as well as salary dues, medical dues, bonus, medical reimbursements, transfer TA etc. can only be considered for payment by the CBI after conclusion of the disciplinary proceeding and it was the responsibility of the U.P. Police to take the disciplinary proceeding to its logical conclusion.

22. It might be convenient at this stage to refer to the 1961 Rules as the said Rules would provide light to take decision on the issues raised in the present proceeding.

Rule 13 of 1961 Rules provides for disciplinary proceedings in respect of officers borrowed by the CBI from State Govt.

Provisions of Rule 13 may be extracted herein below for ready reference:

13. Provision regarding officers borrowed from State Govt. etc.--

(1) Where an order of suspension is made or a disciplinary proceeding is taken against a Subordinate Police Officer whose services have been borrowed from a State Government & Union Territory, a local or other authority, the authority lending his services (hereinafter in this rule referred to as "the lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension on the commencement of the disciplinary proceedings, as the case may be,

(2) In the light of the findings in the disciplinary proceedings taken against the Subordinate Police Officer:

(i) If the Disciplinary Authority is of the opinion that any of the penalties specified in Clause (i) to (vi) of Rule 6 should be imposed on him it may pass such orders on the case as it deems necessary:

(ii) If the Disciplinary Authority is of the opinion that any of the penalties specified in Clauses (vii) to (x) of Rule 6 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary?

(3) Notwithstanding anything contained in Clause (ii) of Sub-rule (2) when the Disciplinary Authority is of opinion that a Subordinate Police Officer whose services have been borrowed from a State Govt. of a Union Territory is guilty of misconduct so as to warrant the imposition of any of the penalties specified in Clauses (vii) to (x) of Rule 6 it may at its discretion revert such subordinate Police Officer to the lending authority without holding an inquiry at all and report the details of the case to the lending authority for such action as it deems necessary.

A reading of Rule 13 indicates that where an order of suspension or a disciplinary proceeding is initiated against the borrowed officer by the CBI, the borrowing authority is required to inform the lending authorities of the circumstances leading to the passing of the suspension order or commencing of disciplinary proceeding against the borrowed police officer.

Under Rule 13 (2), the disciplinary authority is required to take a decision on the nature of penalties to be inflicted against the officer in light of the findings.

If such penalty is to be imposed as per the opinion of the disciplinary authority, as specified in Clause (i) to (vi) of Rule 6, the disciplinary authority may impose such penalty on the delinquent officer.

However, if penalties specified under Clauses (vii) to (x) of Rule 6 are to be imposed, the disciplinary authority is required to replace the services of the delinquent officer at the disposal of the lending authority and transmit to the lending authority the proceeding of the enquiry to enable the lending authority to take such decision as may be deemed necessary under the circumstances.

It appears from the provisions of Rule 13(2) of 1961 Rules that to enable the

lending authority to take a decision on imposition of penalties, the borrowing authority is required to make available to the lending authority all the proceedings of the enquiry along with its findings. Thus the responsibility is cast on the lending authority to conclude the enquiry and make available proceeding of the enquiry to enable the lending authority to take appropriate decision in the matter.

However, because of the non-obstante clause in Sub-rule 3 of Rule 13, if the disciplinary authority of a borrowing deptt. is of the opinion that an officer is guilty of misconduct and it is a fit case for imposition of penalties specified in Clause (vii) to (x) of Rule 6, it may revert such officer to the lending authority without holding any enquiry at all and report the details of the case to the lending authority for such action as may be deemed appropriate and necessary by the lending authority.

23. Thus, it is possible for the CBI to revert the police officer under its deputation to the lending authority without holding any enquiry or initiating a disciplinary proceeding, to enable the lending authority to take appropriate disciplinary action against the delinquent officer.

But the recourse to the provisions of Rule 13(3), in my view, would not be available to the CBI in case, where disciplinary proceeding has already been initiated and charge sheets have been served and enquiry officer appointed to conduct an enquiry into the charges.

Once disciplinary proceedings are initiated by the CBI in respect of the conduct of an officer under deputation to the CBI, the borrowing deptt. would be required to conclude the enquiry and if it is found to be appropriate case for penalties envisaged under Clause (vii) to (x) under Rule 6, the proceeding of the enquiry along with findings are to be made available to the lending authority to take a decision in the matter.

24. In the instant case it is noticed that CBI had initiated disciplinary proceeding against the writ petitioner but did not conclude the said proceeding. Even without concluding the proceeding the repatriation order came to be passed on 12.5.02 while the petitioner was under suspension on the basis of suspension order dt. 26.4.2000 passed by the disciplinary authority in the CBI.

The CBI authorities also did not pass any order as required under FR 54B regarding the entitlement of suspended officer after ordering his repatriation on 12.5.02, notwithstanding the fact that this Court on 12.3.04 while disposing of WP (C) No. 1338/03 had held that the suspension order stood revoked by passing of the repatriation order dt. 12.5.02. The CBI authorities also failed to pass any order as to how the period of suspension against the writ petitioner is to be treated.

Thus, it appears that the CBI authorities had failed to conclude the disciplinary proceeding and make available the finding of the enquiry after conclusion of the

same to the U.P. Police, at the time of repatriating the writ petitioner to the U.P. Police.

25. As it was not a case where disciplinary proceeding was not initiated by the CBI, this case cannot be dealt with under the provisions of Rule 13 (3) of 1961 Rules and the enquiry could not have been initiated and concluded by the U.P. Police, inasmuch as the CBI, prior to repatriation had already initiated the disciplinary proceeding and also appointed Enquiry Officer to enquire the charges levelled against the writ petitioner.

26. There is no dispute that the petitioner was placed under suspension by the CBI in contemplation of a disciplinary proceeding against him. But the CBI, despite initiating a disciplinary proceeding did not finally conclude the proceeding. The C.B.I. also failed to take any steps as per the provisions of Rule 13(2) of the 1961 Rules to have the charges examined by the U.P. Police (lending authority), as it did not make available to the U.P. Police, the findings and the proceedings of the enquiry, as nothing appear to have been done by the C.B.I. beyond appointed of an Enquiry Officer.

27. The C.B.I., if it wanted the U.P. Police (lending authority) to take action on the charges made against the petitioner by the C.B.I., it could have set in motion the procedure prescribed under Rule 13(3) of the 1961 Rules, without holding any enquiry at all, and make available all the details of the case to the lending authority to enable the later to take such action as may be deemed necessary.

28. But the C.B.I. did not resort to either of the procedures prescribed under Sub Rule (2) or Sub Rule (3) of Rule 13. Instead, it placed the petitioner under suspension, made certain allegations against him, and kept him in a limbo. From C.B.I.'s conduct, one would be tempted to conclude that the agency was not sure of its position and allowed the entire matter to just drift. In the process, the case of the petitioner became an unwanted responsibility for the C.B.I. It did not want to take responsibility for a situation arising out of its own act. Neither did the C.B.I. enabled the U.P. Police to take appropriate action in the matter as the simple repatriation order dated 12.5.2000 passed against the petitioner cannot enable the lending authority to take any disciplinary action against the petitioner, nor did the C.B.I. itself, enquired into the charges made.

29. After passing of the suspension order dated 26.4.2000 the C.B.I. failed to pass any specific order as required under FR 54B regarding the pay and allowances to be paid to the suspended officer and no order has also been passed as to how the period of suspension would be treated. This appears to be all the more glaring as it has been held by this Court that with the repatriation order, the suspension is deemed to be revoked.

That apart, the C.B.I. has forced the petitioner to wage several legal battles pertaining to acts of commission/omission of the C.B.I. If the C.B.I. was earnest about the allegations made, it would have shown more commitment and wouldn't have allowed the matter to linger, to eventually reach a stage, where it

had to cajole the U.P. Police to conclude the proceeding through its letter date 1.11.04 by suggesting actions under CCS (CCA) Rules, which is not applicable in the present case.

30. The C.B.I. also appears to be unsure about the merit of the three charges made against the petitioner.

The 1st charge levelled on 11.5.2000 was dropped by C.B.I. on 18.10.2001.

The 2nd charge dated 17.5.2000 pertains to non-submission of weekly diary in 1997. The petitioner categorically denied the said charge by stating that carbon copy of the weekly diary submitted by him are available with him and in fact his TA bills have been settled for the relevant period on the basis of the submitted weekly diary and there is no basis for levelling the said charge.

On the 3rd charge dated 22.5.2000 about unmerited closure of a case, the petitioner in his reply clearly stated that it was not his personal decision but was a decision taken on merit at various levels of C.B.I. as per procedure and the petitioner has no individual role in the said case closure decision.

Possibly because of the inherent weakness and merit of the charges, the C.B.I. did not proceed to hold the enquiry and the submission made by the C.B.I. counsel that the enquiry couldn't be held because the C.B.I. was busy fighting legal battles, can hardly be accepted. It cannot reasonably be believed that the resources of the C.B.I. had been expanded to a stage of negligence of its statutory obligations, to fight the legal battles with the writ petitioner.

31. It is difficult to conclude that the Investigating Agency had levelled charges against the petitioner out of vendetta as has been alleged, but it is apparent from their conduct that it was certainly not for bona fide reasons. There are enough reasons to agree with the view of the learned CAT, Guwahati which described the stand of the C.B.I. as "very obdurate" in its order dated 9.7.2001 in O.A. No. 137/2000 which had to be filed by the petitioner for payment of his salary for October, 99 which was not paid after filing of the 1st charge sheet dated 11.5.2000.

32. What is noticed in the instant case is an unequal fight between the writ petitioner and the C.B.I. where the petitioner was fighting to save his honour, with his back to the wall. May be because truth was not on C.B.I.'s side, the C.B.I. deliberately allowed the matters to drift without concluding the initiated enquiry against the petitioner. But in the process, the petitioner remained in a state of suspension for over 7 years till the U.P. Police on 30.3.07 ordered his reinstatement. All this while, the petitioner was being pushed to the very brink, by denying him his dues such as full subsistence allowance, salary, leave encashment, medical reimbursement, transfer allowance advance etc.

33. Having regard to the above facts, I am constrained to hold that C.B.I. failed to take appropriate steps to conclude the disciplinary proceedings initiated by them against the petitioner with reasonable promptitude as there were no

restraint order preventing the C.B.I. to proceed in the matter. In such view of the matter and particularly because of C.B.I.'s failure to take steps in accordance with Rule 13 (2) or Rule 13 (3) of the 1961 Rules, it wouldn't now be possible for the lending authority, to conclude the disciplinary proceeding against the petitioner. Accordingly the disciplinary proceedings cannot be said to be alive and has to be declared to be a spent proceeding.

34. This failure of the CBI authorities in my view would lead this Court to conclude that the circumstances in which the writ petitioner finds himself today, are entirely due to the lapses of the CBI who failed to conduct their affairs as per the statutory requirements. Such failure of the CBI has led to serious prejudice and injustice against the writ petitioner as he has been kept under suspension from 26.4.2000 till he was reinstated in service on 30.3.07. The relevant dues of the petitioner during the period of suspension remained unpaid because of failure of the CBI to pass orders under FR 54B in respect of the writ petitioner and also because of its failure to conclude the disciplinary proceeding initiated against the writ petitioner.

35. Consequently the petitioner is held to be entitled to all service benefits from the date of his suspension on 26.4.2000 till the date of his reinstatement on 30.3.2007. But as the petitioner had not rendered service during the said period, he will not be entitled to the benefit of back wages but he would be entitled to arrear subsistence allowances.

36. Considering the fact that it is the C.B.I. which failed to discharge its statutory responsibility to the petitioner, all the dues of the petitioner as aforesaid till 30.3.2007, would be paid by the C.B.I. Naturally any payment made to the petitioner by the U.P. Police for the aforesaid period shall be set off by the C.B.I. while clearing the dues of the petitioner.

Additional reason for directing the C.B.I. to make all the payments prior to reinstatement is because of averments made by the C.B.I. in the counter affidavit where it has been stated that:

any dues for the suspension period, if payable, will be paid by the C.B.I. depending on the outcome of the disciplinary proceedings.

The above direction would be carried out by the C.B.I. within three months from the date of this order.

37. The petition stands allowed to the extent indicated above. The cost of the case is quantified against the C.B.I. at Rs. 2000/-.