

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL No. 7312 OF 2024

SRI K. SAMPATH KUMAR

APPELLANT

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

WITH

SLP (C) No. 8035 OF 2020

UNION OF INDIA & ANR.

PETITIONERS

VERSUS

K. SAMPATH KUMAR AND ORS.

RESPONDENTS

O R D E R

1. Appellant, K. Sampath Kumar, was proceeded against departmentally for misconduct. Charge-sheet dated 19th June, 2006 was issued alleging that he had sanctioned payment for 30 (thirty) fake bills and by reason of his omission and neglect to take all possible steps to secure the interests of the employer, Bharat Sanchar Nigam Limited, a loss Rs. 8,27,990/- (Rupees eight lakh twenty seven thousand nine hundred and ninety only) was caused. The departmental proceedings culminated in an order of penalty dated 5th October, 2011, whereby the penalty of reduction to a lower stage in the time scale of pay by two stages for a period of two years was imposed on Sampath Kumar with further direction that he will earn increments during the period of such reduction and on expiry of such period, the reduction will not have the effect of

postponing the future increments of his pay.

2. While such proceedings were pending, Sampath Kumar also faced prosecution for commission of offence punishable under Sections 420, 468, 471 read with Section 120-B Indian Penal Code, 1860 and Sections 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988, launched by the Central Bureau of Investigation.

3. After the Special Court convicted Sampath Kumar of the aforesaid offences and sentenced him to three years' rigorous imprisonment on 12th May, 2016, he was placed under deemed suspension under Rule 10(2) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965¹ on 29th June, 2016.

4. On 22nd August, 2016, a show cause notice was issued to Sampath Kumar under Rule 19(i) of the CCA Rules calling upon him to show cause as to why he should not be dismissed from service on account of his conviction on a criminal charge.

5. This show cause notice came to be challenged by Sampath Kumar before the Central Administrative Tribunal, Bangalore² by filing an original application³. A separate original application⁴ was also filed by Sampath Kumar challenging the order placing him under deemed suspension.

6. The original application challenging the show cause notice was dismissed on 20th September, 2016 by the Tribunal on the ground that no final order had been passed and, therefore, such application is premature. The Tribunal also dismissed, *vide* order dated 25th January, 2017, the original application wherein the order of deemed suspension was under challenge.

¹ CCA Rules

² Tribunal

³ O.A No. 170/850/2016

⁴ O.A. No. 170/828/2016

7. Sampath Kumar then challenged both the orders of dismissal passed by the Tribunal before the High Court of Karnataka at Bangalore⁵ by filing separate writ petitions⁶.

8. The challenge to the show cause notice failed before the High Court. While concurring with the reason assigned by the Tribunal, a Division Bench of the High Court dismissed the writ petition by its judgment and order dated 5th June, 2017 which is under challenge in Civil Appeal No. 7312 of 2024.

9. The High Court, however, by an order dated 17th September, 2019 allowed the writ petition of Sampath Kumar wherein the order of deemed suspension was under challenge. The order of suspension was set aside. This order is the subject matter of challenge in SLP (C) No. 8035 of 2020.

10. It is not in dispute that a criminal appeal⁷ instituted by Sampath Kumar under Section 374(2) of the Code of Criminal Procedure, 1973 challenging the conviction and sentence aforesaid is pending before the High Court for the State of Telangana at Hyderabad. It is also not in dispute that Sampath Kumar has since superannuated on 31st August, 2019.

11. It is in these circumstances that we are tasked to consider whether the show cause notice is valid or not; also, whether any issue survives for decision in SLP (C) No. 8035 of 2020.

12. Learned counsel appearing for Sampath Kumar contends that since he has been visited with the major penalty of reduction to a lower stage *vide* order dated 5th October, 2011, it was not open to the disciplinary authority to proceed against him under Rule 19 of the CCS Rules over again.

13. We have noticed that the Tribunal as well as the High Court declined

⁵ High Court

⁶ W.P. No.52292/2016 (S-CAT) and W.P. No.7266/2017 (S-CAT)

⁷ CrI. Appeal No.461/2016

interference on the ground that Sampath Kumar had approached the Tribunal/High Court at the stage of show cause and, ordinarily, no Tribunal/Court would interfere with a show cause notice unless the same is issued absolutely without jurisdiction or *mala fide*.

14. We may refer, in this connection, to the decisions of this Court in ***Special Director and Anr. vs. Mohd. Ghulam Ghouse and Anr.***⁸ and ***Union of India vs. Kunisetty Satyanarayana***⁹ relied upon by the High Court.

15. However, having heard learned counsel appearing for the respective parties, we are of the considered opinion that the issue as to whether the show cause notice is valid or not need not be examined at this stage, particularly, in view of the fact that the appeal against the conviction is still pending.

16. We would agree with the High Court and grant liberty to Sampath Kumar to respond to the show cause notice.

17. It shall be open to Sampath Kumar to request the disciplinary authority to await the decision on the criminal appeal for some reasonable period of time, say for a year. Indeed, if the criminal appeal succeeds, the show cause notice would not survive.

18. We also grant Sampath Kumar the liberty to approach the High Court for the State of Telangana at Hyderabad to have the decision on his criminal appeal expedited by producing a copy of this order.

19. Needless to observe, we have not expressed any opinion on merits lest it prejudices the rights of either party.

20. This order disposes of Civil Appeal No. 7312 of 2024.

21. Insofar as challenge to the order of the High Court quashing the order placing Sampath Kumar under deemed suspension is concerned, we find that

⁸ (2004) 3 SCC 440

⁹ (2006) 12 SCC 28

even if such deemed suspension were valid, the same would not remain operative once Sampath Kumar retired on superannuation on 31st August, 2019. The issue raised in SLP(C) No. 8035/2020 has become academic and, therefore, such petition stands disposed of keeping the question of law, if any, open.

22. Pending interlocutory application(s), if any, shall stand disposed of.

.....J.
[DIPANKAR DATTA]

.....J.
[SHEEL NAGU]

**New Delhi;
August 13, 2026.**

ITEM NO.114

COURT NO.7

SECTION XII-B

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. 7312/2024

SRI K. SAMPATH KUMAR

Appellant

VERSUS

UNION OF INDIA & ORS.

Respondents

WITH

SLP(C) No. 8035/2020 (IV-C)

Date : 13-08-2026 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SHEEL NAGU

For Appellant(s) : Mr. D. Abhinav Rao, AOR
Mr. Aniket Singh, Adv.
Ms. Megha Shaw, Adv.
Mr. Abhisek Das, Adv.

Mr. Vikramjeet Banerjee, Ld. ASG
Mr. Raman Yadav, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Bharat Sood, Adv.
Mr. Annirudh Shrama II, Adv.
Mr. Piyush Beriwal, Adv.
Mr. Praneet Pranav, Adv.
Mr. Amrish Kumar, AOR

For Respondent(s) : Mr. D. Abhinav Rao, AOR
Mr. Aniket Singh, Adv.
Mr. Abhisek Das, Adv.
Ms. Megha Shaw, Adv.

Mr. Vikramjeet Banerjee, A.S.G.
Mr. Nachiketa Joshi, Sr. Adv.
Mr. Praneet Pranav, Adv.
Mr. Bharat Sood, Adv.
Mr. Annirudh Sharma II, Adv.
Mr. Raman Yadav, Adv.
Mr. Piyush Beriwal, Adv.
Mr. Amrish Kumar, AOR
Mr. Ayush Puri, Adv.
Ms. Manjula Gupta, Adv.

Mr. Pavan Kumar, AOR
Mrs. Neelam, Adv.
Mr. Nayeem Hasan Raza, Adv.
Mr. Akhlesh K Soni, Adv.
Mr. Sandeep Ratra, Adv.

Mr. Piyush Sharma, AOR
Ms. Piyanka Sanyal, Adv.

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

The civil appeal and special leave petition are disposed of in terms of the signed order placed on the file.

(JATINDER KAUR)
P.S. to REGISTRAR

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)