

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A.No.060/984/2026

Chandigarh, Order Reserved: 07.10.2026

Pronounced: 14.10.2026

CORAM:

HON'BLE MR. RAMESH SINGH THAKUR, MEMBER (J)

Kumar Punit, Aged 40 years, S/o Shri Arun Kumar Singh working as Regional P.F. Commissioner-I, Employees Provident Fund Organisation, Regional Office, Chandigarh R/o S-24, 2nd Floor, Gurudwara Road, G.K-2, Greater Kailash, Delhi - 110048 (Group-A).

...Applicant

By Advocate: Mr. Arvind Moudgil, Sr. Adv. with Mr. Barjesh Mittal,
Mr. Abhay Gupta, Mr. Harsh Pratap Singh, and
Ms. Yandasi

VERSUS

1. Employees Provident Fund Organization, Ministry of Labor and Employment, Government of India, Plate A Ground Floor, Office Block-II, East Kidwai Nagar, New Delhi-110023, through Chairman, Central Board of Trustees (EPF).

2. Central Provident Fund Commissioner, Employees Provident Fund Organization, Ministry of Labor and Employment, Government of India, Plate A Ground Floor, Office Block-II, East Kidwai Nagar, New Delhi -110023.

3. Additional Central Provident Fund Commissioner (HRM), EPFO, Ministry of Labor and Employment, Government of India, Plate A Ground Floor, Office Block-II, East Kidwai Nagar, New Delhi-110023.

4. Additional Central Provident Fund Commissioner (Punjab & Himachal Pradesh), Ministry of Labor and Employment, Government of India, EPFO Regional Office, SCO No.4-7, Sector-17/D, Chandigarh -160017.

5. Additional Central Provident Fund Commissioner (Chennai & Puducherry), EPFO Zonal Office, Ministry of Labor and Employment, Government of India, 37 Royapettah High Road, Opposite Hotel Swagath, Royapettah, Chennai (Tamil Nadu)-600014.

...Respondents

By Advocate: Mr. G.S. Bal, Sr. Adv. with Mr. Aseem Rai



ORDER**Per: RAMESH SINGH THAKUR, MEMBER (J):**

1. The present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, is directed against impugned order dated 27.07.2026 (Annexure A-1), passed by office of respondent No. 1 i.e. Chairman CBT (EPF) whereby the applicant has been placed under suspension with immediate effect and during said suspension, his headquarters have been changed from his last place of posting prior to suspension i.e. RO Chandigarh to Zonal office Chennai and Puducherry (Tamil Nadu). The applicant has prayed for reliefs as under:

"(i) That Respondents be directed to produce the complete record/files with notings w.r.t. issuance of impugned order dated 27.07.2026 (A-1) for kind perusal of this Hon'ble Court.

(ii) That impugned order dated 27.07.2026 (A-1) passed by respondent No.1 ordering the suspension as well as transfer/changing headquarter of the applicant to Zonal office Chennai and Puducherry (Tamil Nadu) be quashed/set aside.

(iii) That further appropriate directions in the nature of mandamus be issued to respondents to allow the applicant to continue to work on his last place of posting prior to suspension i.e. Chandigarh or any other nearby station in the interest of justice.

(iv) That this Hon'ble Tribunal may also pass any other order for the grant of relief(s) to the applicant which it may deem fit in the peculiar facts and circumstances of the case.

(v) That cost of this application be also awarded in favour of the applicant in the interest of justice."

2. Vide order dated 07.08.2026, as an interim measure, this Tribunal stayed the operation of impugned order dated 27.07.2026 (A-1), and the respondents were directed to allow the applicant to continue working at the present place of posting i.e. Chandigarh.

3. It is submitted that the applicant was appointed as Assistant Provident Fund Commissioner pursuant to the UPSC recruitment process

in 2014. He was promoted as Regional Provident Fund Commissioner Grade-II in 2018 and thereafter as Regional Provident Fund Commissioner Grade-I in Level-12 vide order dated 01.01.2024 (Annexure A-3), and was posted at Regional Office, Chandigarh, where he joined on 13.03.2024.

4. The immediate background to the impugned action relates to a CBI case concerning alleged fraudulent settlement of provident fund and pension claims. The applicant was arrayed as accused No.20 in the second supplementary charge-sheet dated 27.01.2025. It is averred that the Special Judge (PC Act), RADC, New Delhi, vide order dated 18.03.2026 (Annexure A-4), discharged him along with the other EPFO officials, observing that there was no material against them. The said order was challenged by the CBI before the High Court of Delhi, but the Criminal Revision Petition was dismissed vide order dated 17.07.2026 (Annexure A-5), thereby upholding the discharge.

5. The applicant further states that, notwithstanding the aforesaid discharge, a charge memorandum dated 30.03.2026 was issued to him under Rule 14 of the CCS (CCA) Rules, 1965, on allegations arising from the same incident (Annexure A-6). He submitted his written statement of defence dated 05.05.2026 (Annexure A-7), denying the charges and contending that departmental proceedings on the same allegations, after his discharge by the criminal court, would amount to abuse of process. The disciplinary inquiry is stated to have proceeded and remained pending when the impugned order was passed.

6. In these circumstances, the applicant has challenged the order dated 27.07.2026 (Annexure A-1), whereby he was placed under suspension with immediate effect and his headquarters during suspension were fixed at Zonal Office, Chennai and Puducherry, Tamil Nadu, instead of his last place of posting at Chandigarh. The applicant particularly





assails the change of headquarters to a place stated to be more than 2500 kilometres away, contending that the order neither records any public interest nor discloses any administrative exigency or reason necessitating such change. The applicant asserts that his service record has remained unblemished, with no adverse entry, censure, warning, show-cause notice or complaint having been brought to his notice before the impugned order. He therefore contends that there was no material before the competent authority warranting his suspension or demonstrating any necessity for removing his headquarters from Chandigarh.

7. The challenge of the applicant to the impugned order is substantially founded upon the allegation of mala fides and colourable exercise of power. It is asserted by the applicant that immediately before the impugned order, he had caused a legal notice dated 26.07.2026 (Annexure A-9/A) to be issued to respondent No.4, Shri Rajiv Bisht, Additional Central Provident Fund Commissioner, alleging defamatory conduct and claiming damages. The applicant contends that the impugned suspension and distant change of headquarters were consequently motivated by personal vendetta at the instance of respondent No.4, rather than by any genuine disciplinary or administrative requirement.

8. The applicant relies upon Regulation 13(1)(a) of the EPF (Staff and Conditions of Service) Regulations, 2025, to contend that suspension is contemplated where disciplinary proceedings are pending or contemplated and submits that such power cannot be exercised mechanically or for a collateral purpose. His contention is that apart from the circumstances surrounding the aforesaid legal notice, no material disclosing misconduct has been shown to exist against him. As regards the change of headquarters, reliance is placed upon Government of India,



MHA OM dated 08.09.1956 (Annexure A-9) to contend that while the headquarters of a suspended Government servant may be changed where such course is warranted in public interest, the impugned Annexure A-1 contains no recital of public interest, administrative exigency or any reason for fixing his headquarters at Chennai. He further relies upon the same OM to contend that his request for change of headquarters vide representation dated 03.08.2026 (Annexure A-8), was required to be considered, however, no decision thereon was communicated by the competent authority.

9. The applicant has placed reliance upon judicial pronouncements concerning change of headquarters during suspension, including ***State Farms Corporation of India Ltd. v. Tarsem Lal Singh, 1986 WLN 516; R.N. Singh v. State of M.P. & Ors., 1995 MPLSR 438; Govind Singh Rajput v. State of M.P. & Ors., 1999 (1) MPLSR 160;*** and the order dated 30.01.2023 in ***CWP No.1771/2023, Sushil Kumar v. Union of India & Ors.*** (Annexure A-10).

10. The applicant has additionally pleaded personal hardship resulting from the impugned change of headquarters. He states that he is the sole bread-earner of the family, comprising his aged mother, wife and two minor children, and that his wife is a homemaker. It is pleaded that the distant headquarters would cause substantial financial and familial hardship by requiring maintenance of separate households at Chandigarh and Chennai while his emoluments stand curtailed during suspension.

11. The applicant accordingly contends that the impugned order suffers from absence of disclosed reasons, lack of demonstrated public interest or administrative exigency, non-consideration of his representation dated 03.08.2026, and colourable exercise of power allegedly arising from the legal notice dated 26.07.2026 issued to respondent No.4.



12. The respondents have opposed the Original Application and submit that challenge of the applicant proceeds on erroneous presumptions, particularly that there was no prima facie material warranting contemplated disciplinary action and that the suspension was occasioned by the legal notice dated 26.07.2026 (Annexure A-9/A) issued to respondent No.4. The respondents assert that the applicant has not disclosed the actual circumstances which led to the impugned order.

13. The respondents submit that, apart from the disciplinary proceedings arising out of the CBI matter, the applicant had been issued various notes, advisories and memoranda for reasons including unauthorized absence, lack of punctuality and poor work performance. They further rely upon the charge memorandum dated 30.03.2026 (Annexure A-6) issued under Rule 14 of the CCS (CCA) Rules, 1965, alleging failure to exercise due diligence in approving EPF and pension claims which is stated to have resulted in fraudulent settlement causing loss to EPFO. The respondents contend that the discharge of the applicant in the criminal proceedings does not preclude an independent departmental examination of procedural lapses, negligence, dereliction of duty or misconduct, as criminal liability and departmental accountability operate in distinct fields. The said charge memorandum, however, is not under challenge in the present O.A.

14. The respondents have stated that on 22.07.2026, one Sh. Shubham Tyagi, Enforcement Officer, District Office, Patiala, was arrested by the CBI, whereupon the CVO, EPFO circulated the information in the official WhatsApp Group. In response to an advisory issued therein by the CPFC cautioning officers and staff against malpractices, the applicant is stated to have posted certain news articles concerning arrest of GST officials along with remarks which were derogatory and questioned the authority of the CPFC. The respondents particularly refer to the remarks made by

the applicant, including "This is just tip of ice berg", "I am really aghast" and the reference to alleged malpractice in the "your dept." The respondents contend that such conduct was unbecoming of an employee of the Central Board, promoted or justified corruption, exhibited indiscipline and insubordination, and was contrary to the Zero Tolerance against Corruption policy of the Government. It is stated that the applicant was consequently removed by respondent No.4 from the official WhatsApp Group.

15. The respondents have asserted that it was in the aforesaid circumstances that the competent authority passed the suspension order dated 27.07.2026 (Annexure A-1), as disciplinary proceedings were contemplated against the applicant for alleged violation of Rule 3(1)(iii) of the CCS (Conduct) Rules, 1964. The respondents invoke Regulation 13(1)(a) of the Employees' Provident Fund (Staff and Conditions of Service) Regulations, 2025, which permits suspension where disciplinary proceedings are contemplated or pending. They contend that suspension is an interim administrative measure intended to facilitate impartial examination/investigation and to ensure that the disciplinary process is not prejudiced, and does not amount to a penalty or final determination of guilt.

16. As regards the change of headquarters, the respondents contend that the competent authority considered it appropriate to fix the headquarters of the applicant at Zonal Office, Chennai and Puducherry having regard to the administrative requirements and circumstances of the case. Reliance is placed upon Regulation 27 of the 2025 Regulations, providing that every employee of the Central Board is liable to serve anywhere in India in any office of the Central Board. The respondents further submit that although the Government instructions contemplate the last place of duty as the normal headquarters during suspension, the





competent authority possesses power to change the headquarters in public interest. The respondents contend that the change in the present case was made for bona fide administrative reasons, including maintaining administrative control, avoiding difficulties at the original station and facilitating impartial examination/investigation. The assertion of the applicant that the change of headquarters constituted punishment, victimisation or harassment is accordingly denied by the respondents.

17. The respondents further dispute the assertion of the applicant that his representation dated 03.08.2026 (Annexure A-8) remained undecided. It is stated that the representation was duly considered by the Chairman, CBT and rejected vide order dated 15.08.2026 (Annexure R-1), wherein it was observed, inter alia, that the circumstances leading to the suspension continued to subsist and that the suspension was an interim measure. The competent authority is also stated to have considered the headquarters at Chennai and Puducherry appropriate having regard to the administrative requirements and circumstances of the case. The respondents therefore contend that the grievance regarding non-consideration of the representation no longer survives, and that any challenge to the order dated 15.08.2026 would have to be made in accordance with law.

18. The allegation that the impugned order was motivated by personal vendetta or mala fides on account of the legal notice dated 26.07.2026 (Annexure A-9/A) issued to respondent No.4 is specifically denied. The respondents state that although the legal notice was received in the office of respondent No.4 on 26.07.2026, it was brought to the notice of the Head Office only on 28.07.2026, whereas the suspension order had already been issued by the Head Office on 27.07.2026. On this basis, the respondents contend that there was no causal nexus between the legal notice and the impugned suspension order.



19. The respondents further contend that the applicant has suppressed material facts concerning his conduct in the official WhatsApp Group and has thereby attempted to create an erroneous impression that the legal notice was the cause of his suspension. They invoke the principles concerning suppression of material facts and reliance upon the decisions in ***Vijay Syal v. State of Punjab, 2003 (9) SCC 401*** and ***Prestige Lights Ltd. v. State Bank of India, 2007 (8) SCC 449***. It is accordingly urged that the applicant has not approached the Tribunal with clean hands and that the interim order dated 07.08.2026 was obtained without disclosure of the complete factual position.

20. On the scope of judicial review, the respondents submit that an order of suspension is administrative in nature and suspension itself is not a punishment. The respondents contend that this Tribunal ought not to function as an appellate authority over the decision of the disciplinary authority to suspend an employee. They further contend that the personal and family circumstances of the applicant cannot override the administrative consequences of the conduct for which disciplinary proceedings are contemplated.

21. In answer to the authorities relied upon by the applicant concerning change of headquarters during suspension, the respondents submit that the cited decisions are distinguishable on their facts. They also rely upon the decision of the Principal Bench in ***Dr. Sohail Malik v. Union of India & Ors., O.A. No.22023 of 2023***, order dated 05.10.2023, to contend that the competent authority can change the headquarters during suspension, provided the changed headquarters is indicated in the suspension order.

22. The respondents thus maintain that the impugned suspension dated 27.07.2026 (Annexure A-1) was founded upon contemplated disciplinary proceedings arising from the alleged conduct of the applicant in the

official WhatsApp Group and was not connected with the legal notice dated 26.07.2026 (Annexure A-9/A). They further maintain that the change of headquarters to Chennai and Puducherry was a bona fide administrative measure and not a penalty, and that the representation made by the applicant dated 03.08.2026 (Annexure A-8) stood rejected vide order dated 15.08.2026 (Annexure R-1).

23. In rejoinder, the applicant has primarily disputed the contention of the respondents that the WhatsApp exchange dated 22.07.2026 constituted the basis for the impugned suspension. It is contended that Annexure A-1 itself contains no reference to the said exchange or to any alleged misconduct arising therefrom, and that the respondents cannot subsequently supplement or improve upon the reasons for the impugned order through the written statement. Reliance in this regard is placed upon the judgment of the Hon'ble Supreme Court in ***Mohinder Singh Gill & Anr. v. Chief Election Commissioner, New Delhi & Ors., (1978) 1 SCC 405.*** The applicant accordingly submits that the justification now set up in the written statement, having neither been communicated to him nor recorded in Annexure A-1, cannot sustain the impugned action.

24. The applicant has further disputed the characterization of the WhatsApp group "ZOs & ROs" as an official communication channel of EPFO. It is contended that no order, notification, circular or other authority has been placed on record constituting the said group as an official channel or prescribing any disciplinary code governing communications therein. The applicant relies upon ***A. Lakshminarayanan v. Assistant General Manager, Tamil Nadu Grama Bank, W.P. No.9754/2023,*** decided on 08.08.2023, and ***ID Makrani v. State of Madhya Pradesh & Ors., W.P. No.8370/2023,*** decided on 28.02.2024, to contend that communications in private





WhatsApp groups, particularly informal exchanges concerning matters of common interest, cannot by themselves be subjected to the ordinary regulatory framework of the employer. It is further submitted that the concept of privacy and the principle of "right to vent" recognised in the said decisions contemplates not treating such informal exchanges, by themselves, as misconduct.

25. On the substance of the exchange dated 22.07.2026, the applicant submits that the respondents have extracted isolated portions of his messages while ignoring the context of the conversation. The applicant asserts that his remarks were made in response to the discussion concerning the arrest of an Enforcement Officer and the message posted by the CPFC, and were intended to express concern regarding malpractices rather than to justify or promote corruption. The applicant also relies upon another message posted in the same conversation by an officer, Shri Devi Prasad, RPFC-I, which is stated to have contained substantially more specific allegations concerning corruption within the organisation and the Vigilance Division. A copy of the relevant WhatsApp chats has been placed on record as Annexure A-12. The applicant contends that, to his knowledge, no comparable disciplinary action was taken against the said officer and that his selective suspension, coupled with change of headquarters, therefore amounts to discriminatory and arbitrary State action. Reliance is placed upon ***State of Uttar Pradesh v. Arvind Kumar Srivastava, Civil Appeal No.9849/2014***, in support of the plea of equality and non-arbitrariness.

26. The applicant has also denied that the message by the CPFC dated 22.07.2026 constituted a formal advisory in the sense of service jurisprudence. It is submitted that the message was an informal text posted in the WhatsApp group without any reference number, letterhead or communication through an established official channel. On this basis,

the applicant disputes the characterization by the respondents of his response as insubordination or conduct unbecoming under Rule 3(1)(iii) of the CCS (Conduct) Rules, 1964. The applicant further disputes the allegation that his message caused discomfort amongst members of the group or challenged the authority of the Chairman, CBT, contending that these assertions are unsupported by any contemporaneous complaint or material.

27. As regards the allegation of suppression of material facts, the applicant denies that he had withheld any material fact. His specific contention is that, prior to institution of the O.A., he had never been informed through any order, memorandum, show-cause notice or other communication that the WhatsApp exchange dated 22.07.2026 was the basis, or one of the bases, of his suspension. Since Annexure A-1 itself was silent on the matter, the applicant submits that non-disclosure of a reason never communicated to him cannot constitute suppression of a material fact. The plea of *suppressio veri suggestio falsi* is accordingly denied.

28. The applicant has also disputed the assertion of the respondents that his representation dated 03.08.2026 (Annexure A-8) was duly considered and rejected vide order dated 15.08.2026 (Annexure R-1). He questions the genuineness of the claimed consideration, pointing out that 15.08.2026 was a gazetted national holiday and contending that there is no explanation on record as to when or how the representation was placed before the Chairman, CBT for consideration. The applicant further draws attention to the fact that Annexure R-1 was issued shortly before the next date of hearing fixed for consideration of the interim order and contends that the timing raises a serious doubt regarding genuine application of mind and suggests an attempt to overcome the interim protection granted on 07.08.2026.





29. On the change of headquarters, the applicant reiterates that neither Annexure A-1 nor Annexure R-1 records any administrative requirement, exigency or public interest warranting fixation of his headquarters at Chennai and Puducherry. Regulation 27 of the Employees' Provident Fund (Staff and Conditions of Service) Regulations, 2025, is contended to be only a general provision regarding liability to serve anywhere in India, which cannot dispense with the specific requirements governing change of headquarters during suspension. The applicant further submits that even reliance of the respondents upon ***Dr. Sohail Malik v. Union of India & Ors., O.A. No.22023/2023***, order dated 05.10.2023, does not assist them, as the DoP&T instructions relied upon therein themselves contemplate the last place of duty as the normal headquarters during suspension and require the order to indicate the changed headquarters and the circumstances justifying such change.

30. The applicant does not dispute that the scope of judicial review over suspension is limited, but contends that such restraint does not exclude judicial scrutiny where the exercise of power is alleged to be arbitrary, mala fide, based on extraneous considerations, or contrary to the requirements governing change of headquarters. The applicant therefore submits that his challenge is directed not against the subjective satisfaction of the disciplinary authority as such, but against the legality and manner of exercise of the power.

31. Finally, the applicant contends that even assuming the WhatsApp exchange constituted misconduct, the consequence imposed is wholly disproportionate to the alleged conduct. It is submitted that an informal exchange in a WhatsApp group could, at the highest, have warranted a caution, whereas suspension coupled with fixation of headquarters approximately 2500 kilometres away has an excessive and punitive effect. The applicant asserts that the alleged conduct and the

consequence imposed bear no reasonable nexus, which further lends support to his plea of arbitrariness, mala fides and victimisation.

32. I have heard the arguments addressed by learned senior counsel appearing for both sides, and carefully gone through the pleadings of the parties and the material placed on record.

33. It is not in dispute that the power of the competent authority to place an employee under suspension is traceable to Regulation 13(1)(a) of the Employees' Provident Fund (Staff and Conditions of Service) Regulations, 2025, where disciplinary proceedings are contemplated or pending. However, the existence of such power does not exclude judicial review of its exercise. While this Tribunal would not ordinarily substitute its satisfaction for that of the competent authority, it can intervene where the action is arbitrary, mala fide, founded on extraneous considerations, or otherwise legally unsustainable. The scope of judicial review must, therefore, be examined in the context of the material disclosed in the pleadings and the reasons reflected in the impugned orders.

34. The principal questions arising for consideration in the present case are whether the order of suspension dated 27.07.2026 (Annexure A-1) is legally sustainable and whether the simultaneous fixation of the headquarters of the applicant at Zonal Office, Chennai and Puducherry, approximately 2500 kilometres away from his last place of posting at Chandigarh, is justified in the circumstances of the case.

35. A perusal of Annexure A-1 shows that the applicant was placed under suspension on the sole recital that disciplinary proceedings against him were contemplated. The order does not disclose the nature of the contemplated proceedings or the material forming the basis of the decision. The respondents have sought to justify the suspension by relying upon the exchange of messages by the applicant in the WhatsApp



group on 22.07.2026, allegedly questioning the authority of the CPFC and constituting conduct unbecoming of an employee. However, the said exchange finds no mention in the impugned order.

36. The Hon'ble Supreme Court in ***Mohinder Singh Gill & Anr. v. Chief Election Commissioner, New Delhi & Ors., (1978) 1 SCC 405,*** has observed that:

"When a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, gets validated by additional grounds later brought out."

Consequently, the respondents cannot sustain Annexure A-1 by introducing the WhatsApp exchange as the basis for the suspension when no such reason was recorded in the order itself.

37. Even otherwise, the justification by the respondents rests substantially upon the messages exchanged in the WhatsApp group. The applicant has disputed that the group constituted an officially notified communication channel and has pointed out that no order, circular or statutory provision prescribing a disciplinary framework for communications therein has been placed on record. Reliance has been placed upon ***A. Lakshminarayanan v. Assistant General Manager, Tamil Nadu Grama Bank, W.P. No.9754/2023,*** decided on 08.08.2023, and ***ID Makrani v. State of Madhya Pradesh & Ors., W.P. No.8370/2023,*** decided on 28.02.2024.

38. In ***A. Lakshminarayanan v. Assistant General Manager, Tamil Nadu Grama Bank*** (supra), while allowing the writ petition and quashing the impugned charge memo therein, the Hon'ble Madras High Court has held:





"10. There is something called "right to vent". Every employee or a member of an organization will have some issue or the other with the management. To nurture a sense of grievance is quite natural. It is in the interest of the organization that the complaints find expression and ventilation. It will have a cathartic effect. If in the process, the image of the organization is affected, then the management can step in but not till then.

11. Let us assume that a group of employees are having a chat in one of their homes. So long as it is a private chat, it cannot attract the regulatory frame work of the management. The common law principle is "everyman's home is his castle". If bar room gossip is published, that would definitely attract contempt of Court. But then, so long as it remains private, cognizance cannot be taken. The world has become a global village. It is connected by digital technology. The principles applicable to a chat in a home can be applied to what takes place in an encrypted virtual platform that has restricted access. approach alone will be in consonance with liberal democratic traditions. We are yet to enter into the worlds envisaged by Aldous Huxley in "Brave New World" and George Orwell in "1984". What the respondent proposes amounts to thought-policing.

12. The concept of privacy is now a recognized fundamental right [**AIR 2017 SC 4161 (Justice K. Puttaswamy (Retd.) vs. Union of India)**]. Not only individuals but even groups have privacy rights. Time has come to recognize the concept of "group privacy". So long as the activities of a group do not fall foul of law, their privacy must be respected. If the members of a WhatsApp group share child pornographic content, it is a crime and a punishable activity. If the members conspire to commit any unlawful act, then again, the regulatory framework will step in. But when the members of a WhatsApp group are merely discussing among them, matters of common interest, that cannot be a target of attack. The members of the WhatsApp group formed by the petitioner felt aggrieved by some of the actions of the respondent Bank. The petitioner expressed his views. Of course, the manner of expression cannot be said to be in good taste, but then, everyone has his own way of articulating. When I expressed my disapproval, the petitioner unconditionally apologized in writing. If the management has a mole among the members and snooped the contents of conversation among them, the person who had expressed his opinion in the first instance cannot be proceeded against. In the coming days, powerful managements may be possessed with Pegasus-like technology providing them access to private conversations. Courts may dread such scenario, but then would still firmly say that charges cannot be framed on the strength of information gleaned through such means. Of

course, the content shared over the end-to-end encrypted communication platform must be within the legal bounds mentioned above.”



39. In **ID Makrani v. State of Madhya Pradesh & Ors.**(supra), while allowing the writ petition and quashing the impugned order of suspension and charge-sheet therein, the Hon’ble High Court of Madhya Pradesh has held:

"05. Even otherwise, forwarding any message in a Whatsapp group does not comes in any of the provision of Rule 3(1)(i) and (iii) of Rules of 1965. If any member forwards a message in the Whatsapp group which does not mean that it is his personal opinion. Any message in the form of text, photo or video sent in Whatsapp group is confined to the members of the said group. It cannot be said that message had been made public. The Whatsapp group is always formed by the friends and like minded people amongst the contact list. Without the prior permission, third person cannot be added in the group. If any member of the group is not willing to continue, he may exit or delete the group from his mobile. Therefore, it is personal and private group which has nothing to do with office work of the Government. The Government has not issued any circular or made statutory provision for Government employee / office to create Whatsapp group, therefore, any activity of Government employee in the group cannot be linked with serious disciplinary rules."

40. In the circumstances pleaded before this Tribunal, and in the absence of any demonstrated rule or instruction governing such exchanges, the alleged messages, by themselves, cannot furnish a sufficient basis to sustain the impugned suspension. This is particularly so when the explanation furnished by the respondents does not find expression in the impugned order of suspension itself.

41. The issue regarding the change of headquarters requires separate consideration. Although the respondents rely upon Regulation 27 of the 2025 Regulations, which makes an employee liable to serve anywhere in India, such general liability does not, by itself, establish the justification for fixing the headquarters of a suspended employee at a particular distant station. The Government instructions relied upon by the parties contemplate the last place of duty as the normal headquarters during

suspension, while permitting a change warranted in public interest. In the present case, neither Annexure A-1 nor Annexure R-1 identifies any specific administrative exigency or public interest necessitating the relocation of the applicant from Chandigarh to Chennai and Puducherry. The general assertions in Annexure R-1 regarding administrative requirements and the circumstances of the case do not disclose what those requirements were or why they necessitated such a distant headquarters.

42. Further, the respondents have not demonstrated how permitting the headquarters of the applicant to remain at Chandigarh would prejudice the contemplated disciplinary proceedings or enable him to interfere with any inquiry or investigation. The change, involving a distance of approximately 2500 kilometres, has been challenged on grounds of hardship and alleged victimisation. In the absence of any disclosed circumstance establishing the necessity for such a measure, the decision to fix the headquarters at Chennai and Puducherry cannot be sustained merely by invoking the general power of the competent authority or describing the arrangement as administrative in nature.

43. The respondents contend that the representation made by the applicant dated 03.08.2026 was duly considered and rejected vide Annexure R-1. However, the latter order reiterates the conclusions that the circumstances continue to subsist and that the headquarters fixed at Chennai and Puducherry is appropriate, without disclosing any specific material or administrative exigency warranting either the continuation of the suspension on the justification subsequently advanced or the change of headquarters. The mere rejection of the representation does not cure the deficiencies apparent from the impugned orders.

44. In view of the foregoing discussion, this Tribunal finds that the impugned order dated 27.07.2026 (Annexure A-1), insofar as it places the applicant under suspension without disclosing the basis of the



contemplated proceedings and is sought to be sustained on reasons subsequently introduced in the pleadings, cannot be upheld on the grounds advanced by the respondents. The fixation of headquarters at Chennai and Puducherry is also unsupported by any demonstrated public interest or specific administrative exigency.

45. Consequently, the Original Application is allowed. The impugned order dated 27.07.2026 (Annexure A-1), and is quashed and set aside. Consequently, the order dated 15.08.2026 (Annexure R-1) passed upon the representation of the applicant dated 03.08.2026 is also quashed and set aside. Interim order dated 07.08.2026 is made absolute, and the respondents are directed to permit the applicant to continue to work at his last place of posting prior to suspension, i.e. Chandigarh, in accordance with law.

46. The Original Application stands disposed of in the above terms. Associated Miscellaneous Applications, if any, shall stand disposed of accordingly. No order as to costs.

(RAMESH SINGH THAKUR)
MEMBER (J)

/s/

Whether reportable:Yes/No