

(2023) 03 RAJ CK 0078

In the Rajasthan High Court

Case No : S.B. Civil Writ Petition No. 2236 Of 2023

Bhag Chand Rawat

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 20-03-2023

Acts Referred:

Citation : (2023) 03 RAJ CK 0078

Hon'ble Judges : Vinit Kumar Mathur, J

Bench : Single Bench

Advocate : Sushil Solanki

Judgement

Vinit Kumar Mathur, J

This writ petition has been filed by the petitioner aggrieved against the order dated 10.02.2022 (Annex.2), whereby the petitioner has been placed under suspension.

It is, inter alia, indicating that already challan against the petitioner has been filed and despite passage of sufficiently long time, the petitioner has not been reinstated and, therefore, the order of suspension requires review and the petitioner deserves to be reinstated.

The petitioner with reference to judgment in Manvendra Singh v. State of Raj. & Ors.: SBCW No. 4276/2018, decided on 21.12.2018 submitted that the Court in the said judgment has dealt with the powers of the disciplinary authority under Rule 13 (5) of the Rules of 1958 and appellate authority under Rule 22 of the Rules of 1958 and has held that the various circulars issued by the State Government laying down limitation to examine the revocation of suspension order after a period of three years from the date of suspension/after a period of one year from the date, the charge-sheet has been filed, was not justified and it was open for the authorities to examine the case for revocation of suspension even prior to the said periods fixed in the circular.

In the over all facts & circumstances of the case as projected as well as the law laid down by this Court in the case of Manvendra Singh (supra), the writ petition filed by the petitioner is disposed of, the disciplinary authority is directed to decide the representation to be made by the petitioner in light of the judgment in the case of Manvendra Singh (supra).

The needful may be done by the respondents within a period of four weeks from the date a copy of this order is placed by the petitioner.

The order has been passed based on the submissions made in the petition, the respondents would be free to examine the veracity of the submissions made in the petition and only in case, the averments made therein are found to be correct, the petitioner would be entitled to the relief.