
(2010) 08 RAJ CK 0127

In the Rajasthan High Court

Case No : Civil Writ Petition No. 13800 of 2009

Kajod Mal Meena (Dr.)

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 25-08-2010

Acts Referred:

Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 — Rule 13(5)

Citation : (2010) 4 RLW 3008

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Judgement

Ajay Rastogi, J.—Counsel submits that the petitioner was placed under suspension vide order dt.23.07.2005 (Anx.2) on account of a criminal case being registered against him under the provisions of Prevention of Corruption Act. He further submits that after filing charge-sheet, the charge has not been framed so far and the trial will taken its own time and at the same time the petitioner is facing agony of suspension for last more than 5 years by now.

2. He although made representation for reconsideration under Rule 13(5) of the Rules but the same remain unheeded which compelled him to approach this Court by filing instant petition. He further submits that without examining the continuance of suspension as to whether it is required or not, the authorities are blindly invoking the circular of the State Government dt. 10th August, 2001 while deciding the representation/review of suspension submitted by the employee under Rule 13(5) of the Rajasthan Civil Services (CCA) Rules, 1958.

3. Counsel has placed reliance on judgment of this Court reported in 2005 (9) RDD 3962 (Raj.) Prem Prakash Mathur v. State of Rajasthan and Ors. decided on 20.09.2005 & Vishnu Kr. Gupta v. State 2009 WLC (UC) 701. Counsel further submits that the Circular issued by the State Government dt. 10.08.2001 will not supersede the statutory requirement to be complied with by the authority under Rule 13(5) of the Rules.

4. Without going into merits of the matter this Court considers it appropriate to direct the petitioner to make a fresh representation for review/reconsideration of the order of suspension dt.23.07.2005 (Anx.2) before the competent authority under Rule 13(5) of the Rules, 1958 who may independently examine the same without being influenced by the instructions dated 10th August, 2001 and may also take note of the judgment referred to (supra) and pass speaking order within three months thereafter and decision may be communicated to the petitioner and if still he is aggrieved, will be free to avail the remedy under law.

5. With these directions, the petition stands disposed of.