

(2011) 08 MAD CK 0304

In the Madras High Court

Case No : Writ Petition (MD) . No. 8726 of 2011 and M.P. (MD) . No's. 1 and 2 of 2011

P. Anbalagan

APPELLANT

Vs

The Conservator of Forests Trichy Circle and The Divisional
Forest Officer Social Forestry Division

RESPONDENT

Date of Decision : 04-08-2011

Acts Referred:

Central Civil Services (Classification, Control and Appeal) Rules, 1965 — Rule 10
Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 392
Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 — Rule 17

Citation : (2011) 08 MAD CK 0304

Hon'ble Judges : S. Manikumar, J

Bench : Single Bench

Advocate : R. Singgaravelan, for the Appellant; T.S. Mohamed Mohideen,
Additional Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

S. Manikumar, J.—Pleadings disclose that by an order, dated 13.07.2010 of the Divisional Forest Officer, Social Forest Division, Trichirapalli, the second Respondent herein, the Petitioner has been placed under suspension pending investigation into a crime in STOR No. 5 / 2010 for illicit felling of 24 teak trees in 1982 Kumikki Munniyar Misc. Plantation and that the Petitioner had been remanded to judicial custody on 11.07.2010. Though, the said order was challenged in W.P.(MD). No. 772 of 2011, learned Counsel for the Petitioner therein had sought for a direction to permit the Petitioner to submit a representation for revocation of suspension and on that basis, the Writ Petition has been disposed of on 16.06.2011, granting liberty to the Petitioner to make a representation to the Divisional Forest Officer, Social Forestry Division, Trichirapalli, the second Respondent herein, within a period of one week from the date of receipt of the copy of the order made therein, for revoking the order of

suspension. The second Respondent therein has been directed to consider the same, on merits and pass appropriate orders.

2. The impugned order, dated 26.07.2011 is the consequential order. Assailing the correctness of the order and inviting the attention of this Court to Rule 17(5) and (6) of the Tamil Nadu Civil Services (Discipline and Appeal) rules and placing reliance on a decision of the Supreme Court in Union of India (UOI) and Others Vs. Dipak Mali, , Mr. R.Singgaravelan, learned Counsel for the Petitioner submitted that if the Petitioner was placed under suspension in connection with any disciplinary proceedings or otherwise pending contemplation into the grave charges / pendency of charges / pending investigation into a criminal case / trial, it is the bounden duty of the competent authority to pass an order, directing continuation of suspension until termination of the abovesaid proceedings and that, reasons should be record in writing. He also submitted that when the authority is empowered to consider revocation of suspension at any time or extend the same for the reasons to be recorded in writing, the impugned order does not reflect application of mind to the abovesaid statutory rules and therefore, the impugned order requires interference. Learned Counsel for the Petitioner also submitted that the guidelines contained in G.O.Ms. No. 40, dated 30.01.1996, regarding review of suspension has not considered and therefore, the impugned order is contrary to the statutory provisions and the decision stated supra.

3. Per contra, inviting the attention of this Court to the contents of the impugned order, Mr. T.S.Mohamed Mohideen, learned Additional Government Pleader, submitted that the representation of the Petitioner, dated 16.06.2011, has been considered and in public interest, the same has been rejected, and the application of mind to Sections 17(5) and (6) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules could be inferred. He also submitted that the time limit provided for review is not applicable to criminal cases. He also brought to the notice of this Court that a serious offence has been registered against the Petitioner in STOR No. 5 / 2010 for illicit felling of 24 teak trees in 1982 Kumikki Munniyar Misc. Plantation and that the Petitioner was remanded to judicial custody on 11.07.2010 and therefore, rejection of the request for revocation cannot be said to be illegal or arbitrary. For the abovesaid reasons, he prayed for dismissal of the Writ Petition.

4. Heard the learned Counsel for the parties and perused the materials available on record.

5. Material on record and pleadings disclose that the Petitioner has been arrested on 11.07.2010 and remanded to judicial custody, for an offence in Crime STOR No. 5 of 2010. Rule 17(5) and (6) of the Tamil Nadu Civil Services Discipline and Appeal Rules, which deals with suspension of a Government servant states that, where a Government servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceedings or otherwise) and any other disciplinary proceedings are commenced or any other criminal complaint is

under investigation or trial against him during the continuance of that suspension, and where the suspension of the Government servant is necessary in public interest as required under Clause (1), the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings including departmental proceedings taken on the basis of facts which led to the conviction in a Criminal Court. An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

6. As regards the power of the Government to retain a person under suspension in matters involving criminal cases and the right of a Government Servant to seek for retention in service, this Court in *R. Ravichandran v. Addl. Commr. of Police, Chennai* reported in 2010 CIJ 553 IPJ, has framed the following issues for consideration,

(i) Whether the authority, who has placed a government servant under suspension is statutorily bound to review the suspension, when he is facing investigation into a criminal case/ trial of an offence, involving moral turpitude, like corruption embezzlement, misappropriation or for such other serious offences before the criminal Court and if review of suspension is not done by the authority, who has placed the government servant, under suspension, or by the higher authority, whether the said order would become automatically invalid?

(ii) Whether the time limit prescribed for review of suspension in G.O.Ms. No. 40, dated 30.01.1996 is applicable to criminal case?

(iii) What is the right of a government servant during the period of suspension pending enquiry into the charges, under contemplation / pending investigation / trial?

(iv) When the appointing / disciplinary authority / government can exercise his discretion to place a government servant under suspension and what are all the factors to be taken into consideration?

(v) Whether the order of suspension is administrative or quasijudicial nature?

(vi) When the power of judicial review exercised by Courts in adjudicating the legality or correctness of an order of suspension passed by the appointing / disciplinary authority / government, pending contemplation of the charges / enquiry / investigation / trial, what is the extent of discretion to be exercised by Courts?

(vii) Whether the Courts can merely strike down orders of suspension issued against the government servant and continued, pending disposal of the investigation / trial of offences involving moral turpitude, particularly, corruption, on the sole ground that there is No. progress in the investigation or trial for a considerable period, there is No. likelihood of tampering with the witnesses or

prolonged suspension, pending investigation or trial, causes agony and humiliation?

(viii) Whether a government servant placed under suspension for involvement in serious offences / misconduct, involving moral turpitude can seek for retention in service in any insignificant post or seek for transfer, on the sole ground that the suspension is prolonged pending investigation / trial?

At paras 81 to 88 and 89, this Court further held as follows:

81. For the purpose of suspension, it is sufficient that the competent authority has arrived at a prima facie conclusion that the Government servant has committed a serious misconduct, which entails major penalties, like dismissal, removal or compulsory retirement, etc., from service. Illustrative cases, where action has to be taken immediately, are persons, involving in serious acts of misdemeanor, such as, (a) offence or conduct involving moral turpitude, (b) corruption, embezzlement or misappropriation of Government money, (c) possession of disproportionate assets, (d) misuse of official powers for personal gain, (e) serious negligence or dereliction of duty, (f) desertion of duty and (g) refusal or deliberate failure to carry out written orders of superior officers; (h) apprehension of tampering with witnesses or documents or likelihood of causing prejudice to an inquiry, investigation or trial; (j) likelihood of subversion of discipline in office; (k) involvement of scandals, and (l) likelihood of ultimate conviction out of departmental proceedings, and in all these illustrative cases, it is the matter of necessity and public interest, involved and therefore, it which must be left to the absolute discretion of the competent authority, with whom, the power is vested to suspend and that such discretion exercised in public interest should not be interfered with lightly.

82. When the criminality of the government servant is adjudicated before the Court of competent jurisdiction and when the Police, Vigilance and Anti-Corruption Department has launched prosecution or proposed to launch for imposing appropriate punishment under the penal laws, the appointing/disciplinary authority/government, should be allowed to exercise their discretion to place the government servant under suspension, which is a step in aid, to complete the investigation/trial. Courts have consistently held that even if the materials are not adequate for prosecution or even after acquittal, when the appointing/disciplinary authority/government is empowered to place the government servant under suspension, the power can be exercised on proper consideration of relevant materials, in public interest.

83. Once the objective consideration of the allegations, the material on record, warrants suspension, till the completion of enquiry or trial, in public interest, it is not for this Court to examine the nature of the

allegations, the evidence and to record any finding thereon, which would hamper the progress of the departmental enquiry or investigation or trial against the government servant.

84. No. doubt, the exercise of discretion, should be rational, should not be arbitrary and that there is also a legal duty cast upon the appointing/disciplinary authority/Government to apply its mind before exercising such discretionary power. However, when the government servant against whom, an enquiry into grave charges or an investigation into an offence or trial is pending and such charge/charges, involves moral turpitude, then the competent authority can exercise his discretionary power under Rule 17 of the Tamil Nadu Civil Service (Discipline and Appeal) Rules and place the government servant under suspension, pending enquiry into grave charges under contemplation into charges/enquiry into formulated charges/investigation/trial.

85. In this context, it is pertinent to extract the observations of Lord Denning, as found in *Wade on Administrative Law*,

The discretion of a statutory body is never unfettered. It is a discretion which is to be exercised according to law. That means atleast this: the statutory body must be guided by relevant consideration and not by irrelevant. If its decision is influenced by extraneous considerations which it ought not to have taken into account, then the decision cannot stand. No. matter that the statutory body may have acted in good faith, nevertheless the decision will be set aside.

86. The duty of the Court is restricted only to the limited extent to see that where the appointing/disciplinary authority has taken into consideration the nature of the charge, its complexity, the public interest involved in retaining the government servant, against whom, serious imputation of corruption, misappropriation, embezzlement, etc., are levelled and whether retention of such person, would be scandalous to the department or sub-serve the discipline in the department or affect the morale of other government servants.

87. The appointing/disciplinary, authority /government is entitled to exercise the control and maintain the master and servant relationship. To suspend an employee, as an interim measure for anyone of the reasons stated supra, which are illustrative, is the absolute right of an employer and No. employee can insist that he must be allowed to be retained in service and discharge his duties and enjoy the fruits or privileges attached to the post. While testing the correctness of the order of suspension, all that has to be seen by the Court is whether the power of the appointing/disciplinary authority, in controlling the employees, has been exercised reasonably, without any mala fide and that there should not be any lack of jurisdiction. Any action taken by the appointing/disciplinary authority, in public interest to maintain a clean and honest administration, cannot be interfered with lightly. Even though the government servant is put to mental agony, it is only to the limited extent of restricting him from discharging his duties and enjoy other privileges attached to the post and it is only an interim measure, till he is cleared off of the imputations levelled against him. The suspension cannot be attacked on the ground that the facts stated therein are not correct. It is well settled that the High Court cannot delve into the factual details, while adjudicating the correctness of an administrative order.

88. The order of suspension for a misconduct, involving moral turpitude, in the instant case, alleged act of corruption and the further order, refusing to revoke the order of suspension, both being discretionary and administrative in nature, should not ordinarily be interfered with by the High Court under Article 226 of the Constitution of India. Allowing a person charged with serious acts of corruption or any other misconduct, involving moral turpitude, to discharge his duties and enjoy the fruits of the post, would be against a public policy and it would not be in public interest or to maintain a clean and effective administration.

91. It is the responsibility of the appointing/disciplinary, authority/government to take into consideration that other employees/servants of the department are not demoralised and restoring the services of such person, in service, would be certainly deleterious to the efficiency of others. Powers exercised by the appointing/disciplinary authority in rejecting the request, cannot be said to be arbitrary. The appointing/disciplinary authority/government has to maintain honesty, good conduct, efficiency in administration and to keep away persons, facing serious charges.

7. The above decision has been further elaborated by Hon"ble Mr. Justice K.Chandru, by an order, dated 01.11.2010, wherein the learned Judge has dismissed a batch of Writ Petitions in W.P.(MD) Nos. 10882 of 2009, etc., and the relevant portions of the above order are extracted hereunder:

15. Before proceeding to deal with the main case, it is seen from records that in this batch of writ petitions, in most of the writ petitions, interim stay has been granted on identical grounds. In that a reference was made to the judgment of this Court in *The State of Madras v. K.A. Joseph* reported in AIR 1970 Mad 155. In that case, the Respondent Joseph was placed under suspension pending contemplation of enquiry. Since suspension lasted for more than 10 months, he moved this Court. This Court directed that charges should be framed within three months and if that was not done, he can again approach the court for redress. When No. charges were framed by the competent authority, he filed another writ petition. This Court while entertaining that writ petition, by an interim order revoked the suspension order.

16. An appeal was filed by the State in W.A. No. 45 of 1969. The appeal was finally disposed of by a division bench of this Court which came to be reported as AIR 1970 Mad 155. The short order contained only three paragraphs. In paragraph 1, the court dealt with the facts of the case, which is as follows:

.... It is sufficient for us to observe that a period of nearly ten months had elapsed since the Officer was first placed under suspension, and that, on an earlier representation, the Court directed that charges should be framed within three months, and that, if that was not done, the Petitioner could approach the Court, again for redress, and, the outcome is the order from which the writ appeal is sought to be filed.

17. Repelling the objections raised by the State regarding the power of judicial

review over such order, in paragraph 2, it was observed as follows:

2....On the contrary, in our view there is a very clear and distinct principle of natural justice, that an Officer is entitled to ask, if he is suspended from his office because of grave averments or grave reports of misconduct, that the matter should be investigated with reasonable diligence, and that charges should be framed against him within a reasonable period of time.....

18. When the Government Pleader in that case expressed his difficulty about the embarrassment if the Government servant resumed duty in the same place, the court moulded the relief in the following manner:

3.... The learned Government Pleader submits that there may be great difficulty in permitting the Officer to resume duties in the very post, when the performance of those duties by him in the past, had led to the imputation of grave irregularities, we are unable to see any real difficulty in the matter. We clarify the position by stating that it is open to the Government to permit the Officer to resume duty in that identical post, or, any post of equal grade and emoluments, which may be available for making an order of resumption of duty.

19. It can be seen from the above case that there was initial disobedience of the order passed by this Court in not framing the charges. Thereafter, the suspension was revoked. There was objection for restoration of service on the ground that this Court has No. jurisdiction to interfere with the suspension which was rejected. Thirdly when the embarrassment of restoration of a Government servant facing serious charges to the very same place was made, the court also directed his being posted to some other post in the very same status and salary.

20. From a reading of the very short judgment, it is clearly seen that the court was only concerned about the delay in framing of charges by the department. It did not deal with any case involving criminal prosecution that too on corruption charges. Secondly, the court gave an opportunity to the Respondent to frame charges and not to be merely contended keeping a person under suspension. When that was not forthcoming and the order of the court was violated, the court revoked the suspension order, but also took care in granting liberty to the Government to post that person in some other place.

8. The above referred judgment has been taken on appeal and that the same has been confirmed in W.A.(MD) No. 84 of 2011, dated 21.01.2011.

9. In *C. Balasubramanian v. The Commissioner, Tiruchirappalli Corporation* reported in 2011 (1) CWC 319, wherein a Division Bench of this Court declined to interfere with the order of suspension, passed against the Appellant therein, who indulged in corrupt practices and facing criminal trial, under the Prevention of Corruption Act. 10. In a recent decision of Hon'ble Mr. Justice N. Paul Vasanthakumar, in *E.S.Mathiyan v. The Joint Director of Medical and Rural Health Services and Family Welfare* reported in 2011 (2) LLN 782 (Mad), has considered the correctness of an order of suspension, passed under Rule 17(e) of the Tamil

Nadu Civil Services (Discipline and Appeal) Rules, pending investigation into a criminal case, registered u/s 392 Indian Penal Code. After considering a catena of decisions and the Division Bench judgment made in W.A.(MD) No. 84 of 2011, dated 21.01.2011, stated supra the learned Judge has held that the impugned order of suspension cannot be quashed. It is worthwhile to extract the decisions, referred to by the learned Judge.

(i) A Division Bench of this Court considered Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules in W.A. No. 1114 of 2007 (the Secretary to Government of Tamil Nadu and Ors. v. N.Shanmugasundaram) and by judgment dated 5.11.2007 upheld the order of suspension pending investigation/trial of criminal offence.

(ii) A Division Bench of this Court in the case of M. Rajambal Vs. The Principal District Judge, held that Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, contemplates that a member of a service may be placed under suspension from service, where an enquiry into grave charges against him is contemplated, or is pending or a complaint against him or any criminal offence is under investigation or trial and if such suspension is necessary in the public interest. In the said Judgment, the decisions of the Supreme Court in The Management of Hotel Imperial, New Delhi and Others Vs. Hotel Workers' Union, and in R.P. Kapur Vs. Union of India (UOI) and Another, were followed and upheld the similar order of suspension.

(iii) In W.A. No. 1818 of 2009, dated 15.12.2009, a Division Bench of this Court in the case of S. Jeevanantham v. the Government of Tamil Nadu and Ors. considered an identical issue and confirmed the order of a learned Single Judge dismissing the Writ Petition, which was filed challenging the order of suspension.

(iv) Suspension orders were also upheld in the case of D. Gnanasekaran and M. Anantharamasubramanian Vs. The Chief Educational Officer, and in the case of S. Jeyasingh Rajan v. President, Kalloorani Panchayat reported in 2006 (4) MLJ 59.

(v) The Supreme Court in the case of Allahabad Bank and Another Vs. Deepak Kumar Bhola, , upheld the order of suspension of a bank employee, who was facing a criminal offence involving in moral turpitude. In the said Judgment, the order of the Allahabad High Court, quashing the order of suspension was set aside and the appeal filed by the bank was allowed.

(vi) The Supreme Court in the decisions in R.P. Kapur Vs. Union of India (UOI) and Another, ; Balvantray Ratilal Patel Vs. The State of Maharashtra, ; A.K.K. Nambiar Vs. Union of India (UOI) and Another, ; V.P. Gidroniya Vs. The State of Madhya Pradesh and Another, ; The Government of India, Ministry of Home Affairs and Others Vs. Tarak Nath Ghosh, ; Government of A.P. Vs. V. Sivaraman, ; Uttar Pradesh Rajya Krishi Utpadan Manti Samiti Parishad v. Sanjiv Rajah reported in 1993 (2) LLN 11; State of Orissa v. Bimal Kumar Mohanty reported in 1994 (1) LLN 889; State of Madhya Pradesh and Others Vs. Shri Ram

Singh, ; State Bank of India and Another Vs. Rattan Singh, ; K.C. Sareen Vs. C.B.I., Chandigarh, ; Union of India (UOI) Vs. Rajiv Kumar, , held that a person involved in a criminal case can be placed under suspension till he is exonerated and she can claim only subsistence allowance and he cannot demand revocation of suspension as a matter of right.

(vii) A Division Bench of the Madurai Bench of this Court in W.A.(MD) No. 84 of 2011 dated 21.1.2011 (R.Sakunthala v. The State of Tamil Nadu) following the above cited decisions, confirmed the order of the learned single Judge dismissing the writ petition, seeking revocation of the suspension order.

11. In Rule 10 of the Central Civil Services (CCA) Rules 1965 amended by Notification, dated 23.12.2002, sub-rules (6) and (7) were inserted. As the same are relevant to the facts of this case, they are extracted hereunder:

10. (6) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority competent to modify or revoke the suspension, before the expiry of ninety days from the date of order of suspension, on the recommendation of the Review Committee constituted for the purposes and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before the expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.

(7) Notwithstanding anything contained in Sub-rule (5), an order of suspension made or deemed to have been made under sub-rules (1) or (2) of this rule shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days.

12. Reading of the above said rules makes it clear that an order of suspension made under 10 of the said Rules, would not survive after the period of 90 days, unless it is extended after review. The provision itself makes it clear that before the expiry of the 90 days from the date of order of suspension, on the recommendation of the Review Committee constituted for the purpose, a specific order should be passed, either extending or revoking the suspension. As the rule cited supra, mandates, review before the expiry of 90 days from the date of initial suspension, the Supreme Court in Dipak's case cited supra, has held that a subsequent review or extension, as invalid, on account of not reviewing the initial order of suspension, within a period of 90 days. The rule which is available in Central Civil Services, cannot be mutatis mutandis applied to the Tamil Nadu Civil Services (Discipline and Appeal) Rules. External aid is not permissible when the Discipline and appeal Rules applicable to state service do not contemplate any review, after a specific period.

13. While interpreting statutes, Courts have consistently held that it is not sound principles of construction to interpret expressions used in one Act with reference to their use in another Act, and the decisions rendered with reference to construction of one Act cannot be applied to the provisions of another Act, when

two provisions are not in pari materia materials.

14. It is also well settled that before applying the decisions rendered under a Central Act or State Act, on the same subject, attention must be drawn to the variance in the language. When the legislature substitutes or makes certain amendments to certain provisions/substitutes / inserts etc., then it should be held that such amendment/substitution etc., are done with a specific object and alteration so made is done deliberately.

15. Amendments made in the Central Services Rule cannot simply be imported or added in the State Services Rules on the same subject. It is also well settled that when the word, "may" is used, in a provision it is not always decisive, and regard should be made as to whether in the context, subject matter and object of the statutory provision in question, it is mandatory or directory.

16. It is well settled by the Apex Court in a catena of decisions that the question as to whether a statute is mandatory or directory depends upon the intent of the legislature and not upon the language in which the intent is clothed. The meaning and intention of the Legislature must govern, and these are to be ascertained not only from the phraseology of the provision, but also by considering its nature, its design and the consequences which would follow from construing it one way or the other; the impact of the provision whereby the necessity of complying with the provisions in question is avoided; the circumstances, namely, that the statute provides for contingency of the non-compliance with the provision; the fact that the noncompliance with the provisions is or is not visited by some penalty; the serious or the trivial consequences, that flow therefrom; and above all, whether the object of the legislation will be defeated or furthered.

17. It is also to be seen that while interpreting a provision in case of non-compliance, whether the object of the enactment itself would be defeated. It is also a settled principle of law that a mandatory enactment must be obeyed or fulfilled exactly, but it is suffice, if a directory enactment be obeyed or fulfilled substantially. Perusal of the provision both Central

and State Services Rule, makes it clear that the provision enabling it competent authority to extend the suspension is a discretionary power, failure of which does not render the suspension, a nullity.

18. It is also to be noted that there are No. negative words in the State Services Rules demanding the consequences of when No. order is passed, extending suspension. Central Rules provide a duty and it also lays down the manner in which and the time in which the duty shall be performed, failing which, an inconvenience resulting therefrom has been prescribed. Whereas, in the State rule though discretion is conferred on the competent authority, No. specific time limit has been prescribed. There is No. legal fiction created or could be inferred under the State rule that failure to exercise discretion confers right for the suspended employee to seek for revocation as a matter of routine.

19. The discretionary power conferred under Rule 17(5)(6) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, does not confer a right to claim that non-compliance of the same, would not invalidate the order of suspension. The word "May" use in Rule 17(5) of the said rule is only an enabling provision conferring discretion.

20.. The judgment relied on by the Petitioner is not applicable to the facts of this case for the reason that there is No. right conferred on the Petitioner to seek for review of suspension. Rule 17(5) and (6) only enables the competent authority, may for the reasons to be recorded in writing, direct the Government Servant who is placed under suspension, shall continue to be under suspension, until termination or all or any of such proceedings including disciplinary proceedings.

21. Reading of the rules makes it clear that it is only obligatory on the part of the competent authority to record reasons, while extending suspension. Recording reasons for extension would not mean that an suspended official has been provided with a right under the rules to seek for review of suspension. Conferment of a right on the suspended servant under the Civil Services rules can be easily be inferred, in contra distinction to Discipline and Appeals applicable to the facts of this case, where it is conspicuously absent. In the case on hand, while considering the representation of the Petitioner, dated 16.06.2011, the second Respondent has taken note of administrative, as well as public interest in rejecting the request of the Petitioner for retention in service and as rightly contended by the learned Counsel for the Respondents, there is an application of mind. There is No. manifest illegality in the impugned order.

22. For the foregoing reasons, and following the decisions, stated supra, this Court is not inclined to interfere with the order of suspension. Hence, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are also dismissed. No. costs.