
(2017) 06 MP CK 0017
In the Madhya Pradesh High Court
Case No : 15890 of 2016

Smt. Geeta Omre

APPELLANT

Vs

Smt. Chandrakanta Rai and another.

RESPONDENT

Date of Decision : 22-06-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 120B](#)/
[Section 420](#), [Section 419](#) -
Madhya Pradesh Civil Services (Conduct) Rules, 1965, Rule 3(b), Rule 3(a) -
Madhya Pra

Citation : (2017) 06 MP CK 0017

Hon'ble Judges : Subodhabhyankar

Bench : Single Bench

Advocate : Amitabh Gupta, Anubhav Jain

Final Decision : Disposed Of

Judgement

1. The petitioner is aggrieved by the order Annexure P/3 dated 23.04.2014, which is an order passed in an appeal against the suspension order dated 22.10.2014 and amendment order dated 18.02.2015.

2. In brief the facts of the case are that the petitioner was appointed as Sub Engineer in the Rural Engineering Services and at the relevant time, he was working on deputation as Assistant Engineer in the Janpad Panchayat, Ajaygarh, District Panna. During that period, the petitioner's son Gaurav Tripathi was involved in a crime registered at Crime No.131/2006 at police station Civil Lines on the allegation that he obtained admission in MBBS course. In the aforesaid offence, the petitioner was also arrayed as co-accused and was detained in custody from 15.09.2014 to 30.09.2014 on the ground that he must have funded the illegal selection of his son in PMT examination. As a result of petitioner's arrest in the aforesaid crime, he was suspended w.e.f. 22.10.2014 and subsequently, this order was amended on 18.02.2015 and the petitioner's suspension was amended w.e.f. 15.09.2014. An appeal was preferred by the

petitioner against these orders but the same has also been dismissed vide Annexure P/3 dated 23.04.2014. The contention of the petitioner is that even the charge-sheet has not been issued until now and no inquiry has commenced and despite this, the petitioner's suspension continues. The petitioner has relied upon Rule 3(a) and 3(b) of the Madhya Pradesh Civil Services Rules, 1965 and has submitted that the petitioner has not committed any dereliction which can be attributed to him as violation of the aforesaid rules and has submitted that prolong suspension of the petitioner is not justified and the impugned orders are liable to be quashed. Petitioner has also relied upon the order dated 08.09.2016 which was passed in respect of Shri M.S. Rawat, Executive Engineer and Shri Dhanendra Kumar Nakase, Executive Engineer, against whom criminal case was registered by the Lokayukt Organisation / STF wherein charge-sheet has also been filed and a recommendation has been made to revoke their suspension and also order dated 05.12.2016 which is in respect of one Swaroopanand who was also suspended on the basis of a criminal case registered against him and whose suspension order has been revoked.

3. In return, the respondents have submitted that the petitioner was involved in notorious Vyapam scam and a crime has been registered against him under various offences under Sections 419, 420, 120-B, 467, 468 and 471 IPC read with Section 3 /4 of the Manyata Prapt Pariksha Adhiniyam and since he has been detained for more than 48 hours, no illegality has been committed by the respondent in suspending the petitioner. Respondents have also relied upon the case of A.P. Singh Gaharwar Vs State reported in 2012(3) MPLJ 567 to submit that if the person is suspended on account of registration of any offence involving corruption or moral turpitude, he is "invariably" required to be placed under suspension under Rule 9(1) of the M.P.Civil Services (CCA) Rules, 1996 and in view of the same, the respondents have submitted the instant petition be dismissed.

4. Heard the learned counsel for the parties and perused the record.

5. The admitted facts of the case are that the petitioner was found to be involved in a criminal case registered at Crime No.131/2006 under Sections 419, 420, 120-B of IPC read with Section 34 of the Madhya Pradesh Manyata Prapta Pariksha Adhiniyam. It is also an admitted fact that in connection with the aforesaid crime, he has already been detained for more than 48 hours. Admittedly his services were suspended on 22.10.2014. Thus it has been more than two years since the order of suspension has been passed although as per the respondents even the charge sheet has not been filed. The petitioner has also filed certain orders which have been passed by the State Government in respect of

other persons who were earlier suspended but their suspension has been revoked on the basis of the circular dated 28.1.2013.

In the circumstances, looking to the fact that the petitioner is suspended for the

last more than two years and no substantive proceedings have been initiated against him, the petition is disposed of with a direction to the petitioner to submit a representation to the State Government along with all the documents including the orders dated 5.12.2016 and 8.9.2016 filed in respect of other similarly situated persons within a period of two weeks from the date of receipt of certified copy of this order and the same shall be decided by the respondents in accordance with law within a further period of four weeks therefrom.

With the aforesaid directions, the petition stands disposed of.

C.C. As per rules.