

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 166 of 2023

Rajkumar Dhirensana Singh, aged about 42 years, S/o (L) RK Sanajaoba Singh of Waiton Mayai Leikai, Pangei, P.O. Pangei & P.S. Heingang, Imphal East District, Manipur.

.....Petitioner/s

- Versus -

1. The State of Manipur represented by the Principal Secretary/Commissioner/Secretary (Economics & Statistics), Government of Manipur, Office at Old Secretariat, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
2. The Director, Economics & Statistics Department, Government of Manipur, Office at Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur-795004.

.... Respondent/s

**With
WP(C) No. 170 of 2023**

Ms. Peijonna Kamei, aged about 55 years, D/o (L) Kabampu Kamei of Majorkhul, Thangal Bazar, P.O. & P.S. Lamphel, Imphal West District, Manipur.

.....Petitioner

-Vs-

1. The State of Manipur represented by the Principal Secretary/Commissioner/Secretary (Economics & Statistics), Government of Manipur, Office at Old Secretariat, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
2. The Principal Secretary/Commissioner/Secretary (DP), Government of Manipur, Office at Secretariat, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
3. The Joint Secretary (DP), Government of Manipur, Office at Secretariat, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.

4. The Deputy Secretary (DP) to the Government of Manipur, Office at Secretariat, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.

....Respondents

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order (Oral)

08.12.2023

[1] Heard Mr. M. Hemchandra, learned senior counsel assisted by Mr. M. Rendy, learned counsel for the petitioners and Mr. Shyam Sharma, learned G.A. for the State respondents.

[2] The case of the petitioners are that the petitioner in WP(C) No. 166 of 2023 is the Deputy Director (Admn.) and the petitioner in WP(C) No. 170 of 2023 is the Director of Economics & Statistics, Government of Manipur. The Deputy Director (Admn.), Directorate of Economics & Statistics, Manipur issued a notice dated 18.11.2022 with respect to Opinion Pool in connection with AZADI KA AMRIT MAHOTSAV asking 2 (two) questions for illiciting opinion from the general public. This notice was published in daily newspaper "Poknapham" on 20.11.2022. Thereafter, on the direction of the higher authority, the notice for opinion poll was withdrawn on 21.11.2020. On 18.11.2022, the petitioners [the Deputy Director (Admn.) and Director of the Economics & Statistics Department, Government of Manipur] were put under suspension in contemplation of an enquiry under sub-rule (1) of Rule 10 of the CCS (CCA) Rules, 1965.

[3] On 23.03.2023, Enquiry Officer was appointed and on 23.05.2023, Presenting Officer was appointed and the petitioners were summoned to appear on 02.05.2023 and first hearing of the enquiry was conducted on 03.05.2023 and second hearing on 17.05.2023. It is submitted that there is no progress in the departmental enquiry proceedings and it is also alleged that the suspension order dated 20.06.2022 was not extended as contemplated under Rule 10 sub-rule 6 of the CCS (CCA) Rules, 1965. Thereafter, the petitioners approach this Court by way of the present writ petitions being WP(C) No. 166 of 2023 and WP(C) No. 170 of 2023, inter-alia, praying for quashing their suspension order dated 20.11.2022 and for giving direction to expedite the disciplinary proceedings within a stipulated period of time.

[4] On 08.10.2023, during the course of hearing, Mr. M. Hemchandra, learned senior counsel for the petitioner, pointed out that as per Rule 14 sub-rule 24 of CCS (CCA) Rules, enquiry ought to be completed within 6 (six) months and as per Rule 10 sub-rule 6 of the CCS (CCA) Rules, the competent authority ought to review the suspension order before expiry of 90 days and pass an order of extension or revocation of suspension order.

[5] On 22.11.2023, learned G.A. sought some time for filing an affidavit whether the period of enquiry is extended beyond 6 (six) months as stipulated under Rule 14 sub-rule 24 (a) & (b) of CCS (CCA) Rules. When the matter is taken up today i.e. 08.12.2023, Mr. Shyam Sharma, learned G.A. produces a letter dated 06.12.2023 sent

by Deputy Director (DP), Government of Manipur to him stating that on recommendation of the review committee, the period of suspension of the Director was extended on 10.11.2023 for further period of 180 days beyond 13.11.2023. No material is produced with regard to the Deputy Director.

[6] Mr. M. Hemchandra, learned senior counsel for the petitioners, submits that it is the mandate of Rule 10 sub-rule 6 of the CCS (CCA) Rules that any extension for the period of suspension ought to be passed before the expiry of 90 days or before expiry of such extended period. The purported extension of the period of suspension issued vide order dated 10.11.2023 is per se illegal in terms of the mandate of Rule 10 sub-rule 6 of CCS (CCA) Rules, 1965. At this stage, learned senior counsel fairly insists that the suspension orders be set aside and the petitioners are ready to face the disciplinary proceeding provided that there is a direction to the respondents to expedite the proceedings of the departmental enquiry within the stipulated period of time as mentioned in Rule 14 sub-rule 24 of the CCS (CCA) Rules, 1965.

[7] Mr. Shyam Sharma, learned G.A., draws the attention of this Court to para 2 of the letter dated 06.12.2023 sent by Deputy Secretary (DP), Government of Manipur to his office stating that the period of suspension was extended beyond 13.11.2023 vide order dated 10.11.2023 i.e. prior to the expiry of the stipulated period of time.

[8] Mr. M. Hemchandra, learned senior counsel, clarifies that no document has been filed by the State respondents along with the counter affidavit or in form of any affidavit that there was earlier extension of the suspension period after expiry of 3 (three) months from the date of suspension i.e. 20.11.2022. It is submitted that extension order dated 10.11.2023 is not done in compliance of the Rule 10 sub-rule 6 of the CCS (CCA) Rules.

[9] This Court has perused the materials on record including letter dated 06.12.2023 submitted by the learned G.A. during the course of hearing and the relevant law in this regard. It is seen that vide order dated 18.02.2023, the suspension order of the Director was extended for another period of 90 days and there is no order of further extension after this and in case of Deputy Director, there is no extension of the suspension order dated 20.11.2022 after order dated 17.02.2023. In respect of Deputy Director, the suspension order dated 20.11.2022 was extended for further period of 90 days vide order dated 17.02.2023 and in case of Director, the suspension order dated 20.11.2022 was extended for further period of 90 days by order dated 18.02.2023. Thereafter, there is no document on record to indicate that the suspension orders for both the petitioners have been subsequently reviewed and extended as contemplated under Rule 10 sub-rule 6 of the CCS (CCA) Rule.

[10] From the letter dated 06.12.2023 submitted by the learned G.A. today, in case of Director, last extension was made on

10.11.2023 for further period of 180 days. However, there is no extension of suspension after the order dated 18.02.2023 for the Director and no such order for the Deputy Director after the order dated 17.02.2023. Therefore, in terms of the mandate of Rule 10 sub-rule 6 of the CCS (CCA) Rules, 1965, the 2 (two) suspension orders for Director and Deputy Director both dated 20.11.2022 cannot survive any longer. Hence, they are quashed and the petitioners be reinstated in their service with immediate effect. However, this Court is not passing any direction with respect to the disciplinary proceedings initiated against the petitioners. The State Government may complete the enquiry proceedings as per Rules.

[11] Mr. Shyam Sharma, learned G.A., submits that due to the exceptional situation prevailing in the State of Manipur, the enquiry against the petitioners could not be completed within the stipulated period of time and as such, 6 (six) months time may be given to complete the disciplinary proceedings as an exception.

[12] Mr. M. Hemchandra, learned senior counsel, also fairly admits that the prayer No. 5 in both the writ petitions is for a direction to expedite the disciplinary proceedings and submits that this Court may pass appropriate order.

[13] Considering the peculiar facts and circumstances of the case, the State respondents are directed to complete the disciplinary proceedings pending against the petitioners within a period of 6 (six) months from the date of receipt of a copy of this order.

[14] With this observation, writ petitions are disposed of. No cost.

[15] Furnish a copy of this order to the learned counsel appearing for all the parties.

[16] Send a copy of this order to respondent No. 1 for information and necessary compliance.

JUDGE

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