

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

WA No. 31 of 2023

State of Manipur

...Appellant/s

Vs.

S. Indra Singh

...Respondent/s

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

24-08-2023

(A. Bimol Singh,J)

Mr. M. Devananda, learned Addl. AG assisted by Ms. Jyotsana, learned counsel appeared for the appellant and Mr. N. Jotendo, learned senior counsel assisted by Mr. Murtaza Ahmand, learned counsel for the respondent.

The present appeal had been filed assailing the judgment and order dated 14-11-2022 passed by the learned Single Judge in WP(C) No. 251 of 22. The said writ petition was filed challenging the impugned suspension order dated 06-04-2022 thereby placing the writ petitioner under suspension. On perusal of the impugned judgment and order, it is ascertain that the learned Single Judge quashed and set aside the impugned suspension order on two grounds i.e. firstly on the ground that the period of suspension as provided under Rule 10(6) of (CCS) CCA Rule, 1965 was not extended by the authorities after lapse of 90 days by holding a review and accordingly, by operation of law of as provided under Rule 10(7) of the (CCS) CCA Rule, the impugned suspension order is rendered invalid. The second ground of quashing

the impugned suspension order is that the impugned suspension order has been issued to victimize the petitioner for filing number of cases against the State Government.

Mr. M. Devananda, learned Addl. AG submitted that so far as the first ground is concerned, the authorities cannot extend the period of suspension of the writ petitioner since the said impugned suspension order was stayed by the learned Single Judge by passing an interim order dated 25-04-2022 in the connected writ petition and accordingly, there was no question of extension of the period of suspension order.

Learned Addl. AG further submitted that the learned Single Judge did not deal with this issue at the time of passing the impugned judgment & order and accordingly, it has been submitted that the present writ appeal can be disposed of by modifying the portion of the impugned judgment and order to the extent of quashing the impugned suspension order on the ground of non extension of the period of the suspension order.

On the other hand Mr. N. Jotendro, learned senior counsel appearing for the respondent submitted that before filing of the writ appeal, the petitioner had already retired from service w.e.f. November, 2022 on attaining the age of superannuation and accordingly, no cause survives for adjudication on merit in the present appeal and accordingly, the present writ appeal may be closed as infructuous.

We have heard the rival submissions advanced by the learned counsel appearing for the parties and this Court is of the considered view that as the writ petitioner had already retired from service at the end of November, 2022 on attaining the age of superannuation, no purpose will be served by considering the issues raised in the present writ appeal. So far as the issue raised by Mr. M. Devananda, learned Addl. AG is concerned, the said issue is kept open for deciding the same in an appropriate case.

In view of the above, we closed the present writ appeal as infructuous.

JUDGE

JUDGE

Dhakeshori

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ORI DEVI

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