

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

WP(C)No.242 of 2024

Nameirakpam Anilkumar Singh aged about 45 years, S/o (L) N. Kanto Singh, a resident of Kongba Uchekon Khunou, PO-Singjamei & PS-Irilibung, District-Imphal East, Manipur-795008.

...Petitioner

- Versus-

The State of Manipur represented by the Secretary/Commissioner(Forest), Old Secretariat Building, Babupara, Government of Manipur-795001 & 2 Ors.

...Respondents

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA
ORDER

02.09.2024.

[1] Heard Mr. H. Kenajit, learned counsel on behalf of the petitioner and Mr. Th. Sukumar, learned GA on behalf of the State respondents.

[2] The petitioner who is working as Forest Guard was kept under suspension vide order 10.08.2023 for his involvement in FIR No.23(5)2023 IBG-PS u/s 302 IPC & 25(1-B) Arms Act.

[3] It is submitted that before the expiry of 90(ninety) days, the suspension order dated 10.08.2023 has not be reviewed or extended in terms of the Rule 10 of the CCS(CCA) rules.

[4] Mr. H. Kenajit, learned counsel appearing on behalf of the petitioner draws the attention of this Court to sup-rule 6 & 7 to the rule 10 of the CCS pension rules where it is stipulated that before the expiry of 90(ninety) days, the competent authority should consider the matter for extension on revocation and any suspension order in violation of said extension is illegal in terms of the proviso.

[5] It is submitted that the suspension order dated 10.08.2023 issued by Principal Chief Conservator of Forest & HoFF, Government of Manipur be set aside being violation of sub-rule 6 & 7 of the CCS rules (pension).

[6] Mr. Th. Sukumar, learned GA draws the attention of this Court to the proviso of sub-rule 7 of rule 10 of CCS rules which stipulates that if Government employees who was kept under deem suspension under sub-rule 2 was in custody at the time of expiry of 90(ninety) days, no such review or extension will be required.

[7] Mr. H. Kenajit, learned counsel for the petitioner submits that the petitioner was released on bail vide order dated 04.11.2023 issued by Chief Judicial Magistrate, Imphal East and as such he was not under custody at the expiry of 90(ninety) days and the proviso to sub-rule 7 of the rule 10 of the CCS(CCA) rules would not be applicable.

[8] This Court has perused the materials available on record and relevant provisions of statue.

[9] It is admitted fact that the petitioner was kept under suspension vide order dated 10.08.2023 and 90(ninety) days is lapsed on 09.02.2024 and the petitioner was released on bail and not in custody on expiry of the period. Hence, the proviso to sub-rule 7 of the rule 10 of CCS(CCA) Rules would not be applicable. Since the suspension order is not reviewed and extended before the expiry of 90(ninety) days as stipulated under sub-rule 6 of Rule 10, the impugned order cannot be sustained any longer and hence, set aside. Accordingly, the suspension of the petitioner is revoked.

[10] With the above observations, writ petition is allowed.

JUDGE

John Kom