

Item No.10

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

WP(C)No.546 of 2022

Smt. Ingudam Indu Devi aged about 55 Years w/o Late I. Dhiren Singh of Thangmeiband Larung Purel Leikai PO Imphla, PS-Lamphal, District-Imphal West impleaded as LR vide order dated 31.01.2024.

...Petitioner

- Versus-

1. The State of Manipur represented by the Addl. Chief Secretary (RD&PR) Govt. of Manipur and its Office at Babupara, Imphal West District, Manipur 795001.
2. The Deputy Commissioner/ Executive Director (DRDA) Senapati, District Senapati and its Office at DC Complex Senapati, Senapati, Manipur-795150
3. The Superintendent of Police, Senapati District, Manipur and its Office at Senapati, Manipur-795150.

...Respondents

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

16.04.2024.

[1] Heard Mr. Ajoy Pebam, learned counsel for the petitioner and Mr. Shyam Sharma, learned G.A for the State respondents.

[2] The husband of the petitioner who was working as LDC in the DRDA, Senapati was kept under suspension vide order dated 20.07.2012 issued by the Executive Director, DRDA Senapati in exercise of the power conferred under Rule 10(2) of the CCS and CAA Rules, 1965 for his involvement in connection with FIR No.37 (7)12 Spt - P.S U/s 420/468/471/34 IPC.

[3] It is stated that the suspension order is not reviewed nor extended till date as mandated under Rule 10 sub-clause 6 & 7 of the CCS and CCA Rules 1965.

[4] It is submitted at the bar that no disciplinary proceeding is initiated against the petitioner herein. It is also stated that as per the status report submitted by the Superintendent of Police, Senapati District, Manipur dated 04.01.2015 final report under FIR No. 29/2013 - Spt - P.S dated 23.09.2013 had already been submitted on the ground of mistake of fact.

[6] It is also submitted that since the FIR case is also closed by submitting a final report against the husband of the petitioner and due to non-extension of suspension order, it is prayed that suspension order may be set aside and the service of the petitioner's husband be reinstated.

[7] The respondents have not filed any counter affidavit. Mr. Shyam Sharma, learned G.A fairly submits that the period of suspension is not extended and the Court may pass appropriate order by considering the fact of the case.

[8] Having considered the submission made at the bar and on perusal of the material on record, it is clear that suspension order dated 20.07.2012 issued under Rule 10(2) of the CCS and CCA Rules, 1965 has not been extended nor no revoke in terms of the sub-rules 6 & 7.

[9] On the other hand, the prosecution had submitted a final report in connection with the FIR stating on the ground of mistake of fact.

[10] Considering all these materials, the impugned suspension order dated 20.07.2012 issued by the Executive Director, DRDA, Senapati is set aside and the petitioner be reinstated in the service.

[11] Mr. Shyam Sharma, learned G.A further submits that during the pendency of the present writ petition, the petitioner expired on 04.08.2022 and as such the question of reinstatement will not arise.

[12] In view of this position, it is clarified that suspension order is set aside and the petitioner will be entitled for service benefit as per rules and the respondents are directed to examine the entitlement of the pensionary benefits of the petitioner as per rules. The exercise should be concluded within 4(four) months from the date of receipt of copy of this order.

[13] With the above observations and directions, the present writ petition is disposed of.

JUDGE

John Kom