

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

WP(C) No.854 of 2023 with  
MC (WP(C)) No.424 of 2023

W.Kemeshwor Singh

... Petitioner

-Versus-

State of Manipur & 2 Ors

... Respondents

**BEFORE**

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

24.07.2024

Heard Mr.M.Hemchandra, learned senior counsel assisted by Mr.M.Randy, learned counsel for the petitioner, Ms.Ch.Sundari, learned Government Advocate for the State and Mr.Kaminikumar, learned counsel for respondent No.3.

Mr.M.Hemchandra, learned senior counsel for the petitioner submits that the petitioner, who was working as Executive Engineer in the Manipur Industrial Dev Corpn Ltd (MANIDCO) was kept under suspension vide order dated 3.8.2023 by the Managing Director/respondent No.3, under Sub Rule (1) of Rule 10 of the CCS (CCA) Rules, 1965 in contemplation of a departmental proceeding against him. The suspension order was extended by an order dated 26.10.2023 and 2<sup>nd</sup> extension order was made vide order dated 2.2.2024 for another three months. It is stated that two weeks expired on 3.5.2024 and admittedly no further extension has been issued by respondent No.3.

Mr.M.Hemchandra, learned senior counsel draws attention of this Court to the provisions of Rule 10 of CCS (CCA) Rules, 1965 where sub Rule (6) contemplates that review and extension after suspension prior to expiry of stipulated 90 days and no suspension order made under Sub Rule (1) and (2) shall not be valid after stipulated period of 90 days unless it is extended before expiry date. In the present case,

the first extension was made after 90 days and it is submitted that the extension order dated 26.10.2023 is not valid in the eye of law and after the 2<sup>nd</sup> extension order dated 2.2.2024 there is no further extension in terms of sub Rule (6) of Rule 10 of the CCS (CCA) Rules, 1965 and suspension of the petitioner can no longer survive in the eye of law.

Mr.M.Hemchandra, learned senior counsel, refers to the Judgment of the Hon'ble Supreme Court reported in **Union Of India & Ors vs Dipak Mali**: 2010 (2) SCC 222 where it is stipulated that review or extension of suspension order under Rule 10 Sub Rule (1) and (2) shall not survive after expiry of the stipulated period and suspension order in violation of Sub Rule (6) and (7) would not be sustainable. It is also submitted that the initial suspension order dated 3.8.2023 be set aside.

Ms.Ch.Sundari, learned Government Advocate submits that State Respondent has not much role as it is between the petitioner and respondent No.3.

Mr.Kaminikumar, learned counsel for respondent No.3 fairly admits that after expiry of suspension order there is no further extension of the second extension order of suspension dated 2.2.2024.

This Court perused the materials on record and considered the submissions made at the Bar and the relevant provisions of Rule 10 of the CCS (CCA) Rules, 1965. The first extension order dated 26.10.2023 is not valid in terms of sub Rule (6) and (7) of Rule 10 of the CCS (CCA) Rules, 1965 and decision of the Hon'ble Supreme Court cited above. After expiry of the second extension order dated 2.2.2024, there is no further extension of the suspension order.

Accordingly, the suspension order dated 3.8.2023 is set aside. In the result the writ petition is allowed and disposed of. Connected Misc case also stands disposed of.

JUDGE

*Priyojit*