

Item No.67

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

WP(C)No.888 of 2023

Shri Ningthoujam Tomcha Singh, aged about 58 years S/o (L) N. Kullabi Singh of Keirenphabi Maning Leikai, PO Moirang & PS Keibul Lamjao, Bishnupur District, Manipur-795133.

...Petitioner

- Versus-

The State of Manipur represented by the Commissioner/Secretary(Revenue) Government of Manipur, at Secretariat South Block, Babupara, PO & PS and District Imphal West, Manipur-795001 & **2 Ors.**

...Respondents

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

26.06.2024.

[1] Heard Mr. K. Roshan, learned counsel for the petitioner and Mr. Shyam Sharma, learned Government Advocate for the respondents.

[2] The petitioner approached this Court for quashing the impugned suspension order dated 25.07.2017 issued by the Deputy Commissioner, Bishnupur, Manipur suspending the petitioner under Rule 10(2) of the CCS(CCA) Rule, 1965 for his involvement in FIR case No. 58 (7) 2017, BPR-PS U/s 302/364/365/120-B/34 IPC.

[3] It is stated that the suspension order has not been reviewed after the expiry of 90(Ninety) days in terms of Rule 10(2) of the CCS(CCA) Rule, 1965 and the same is liable to be set aside.

[4] In the counter affidavit filed by the respondents, it is admitted in para 5 that the suspension order has not been reviewed and extended from time to time and the relevant para is reproduced below:

“That, with reference to para-No. 7 of the writ petition, the answering deponent humbly submits that in response to letter No. ESTTRE/48/2023-REV-REVENUE dated 20th March, 2023 of the Secretariat Revenue Department, Government of Manipur, the office of the Deputy Commissioner, Bishnupur vide letter no. 1/56/Estt/DA/2017-dcb dated 23rd March, 2023 has furnished the present status report of the petitioner including the fact that the suspension order of the petitioner has not been reviewed and extended from time to time pending criminal proceedings against him in the Court of Session Judge, Bishnupur and office of the Deputy Commissioner, Bishnupur has also requested the Revenue Department (now Land Resources) to convey necessary advice regarding the revocation of the suspension order of the Petitioner. However, the reply is yet to receive from the Land Resources Department.”

[5] Mr. Shyam Sharma, learned Government Advocate submits that the suspension order of the petitioner cannot be set aside only on the ground of non-extension as he was in judicial custody and was released on bail recently and he is facing trial in the heinous offence of murder.

[6] On the other hand, Mr. Roshan, learned counsel for the petitioner submits that the gravity and the nature of the offence in the FIR has no bearing on the interpretation of the provision of Rule 10 Sub-Clause 2 of the CCS(CCA) rule 1965 and if the period of suspension is not reviewed on expiry of 90(ninety) days, the same cannot be sustained. Learned counsel for the petitioner relied on the decision of the Hon'ble Supreme Court in the case of *Union of India and others Vs. Dipak Mali reported in (2010) 2 SCC 222 at para 10* which held that if the period of suspension is not extended or reviewed before the expiry of 90(ninety) days, the same is deemed to be invalid and the relevant portion is reproduced below:

“10. Having carefully considered the submissions made on behalf of the parties and having also considered the relevant dates relating to suspension of the respondent and when the petitioners’ case came up for review on 20.10.2004, we are inclined to agree with the views expressed by the Central Administrative Tribunal, as confirmed by the High Court, that having regard to the amended provisions of sub-rules (6) and (7) of Rule 10, the review for modification or revocation the order of suspension was required to be done before the expiry of 90 days from the date order of suspension and as categorically provided under sub-rule (7), the order of suspension made or deemed would not be valid after a period of 90 days unless it was extended after review for a further period of 90 days.”

[7] This Court has perused the materials available on record and submissions made by the learned counsel for the parties and the law in this regard. It is admitted fact that the petitioner was suspended on

25.07.2017 in connection with the above FIR and he was released on bail on 07.11.2022. Even if the submission of Mr. Shyam Sharma, learned Government Advocate is considered to be true for the sake of argument and even after the date of released on bail on 07.11.2022, the suspension has not been reviewed till date.

[8] In the circumstance, the suspension order dated 25.07.2017 cannot be sustained and deemed to be invalid and accordingly quashed.

[9] With the above observations, writ petition is disposed of. No costs.

JUDGE

John Kom