

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

WP(C) No. 112 of 2024

Khwairakpam Goverdhon Singh

Petitioner

Vs.

State of Manipur & anr.

Respondents

BEFORE

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

27.02.2025

Heard Mr. N. Zequeson, learned counsel appearing for the petitioner; and Mr. S. Nepolean, learned G.A. appearing for the respondents.

The present writ petition has been filed assailing the order dated 30.03.2023 issued by the Deputy Secretary(DP), Government of Manipur, placing the petitioner under suspension in exercise of the powers conferred by Rule 10(1)(a) of the CCS(CCA) Rules, 1965 in contemplation of the departmental enquiry. The period of suspension of the petitioner was subsequently extended by the government for a further period of 180 days by issuing an order dated 26.06.2023. Thereafter, by another order dated 22.12.2023, the government further extended the period of suspension of the petitioner for a further period of another 180 days w.e.f. 25.12.2023 and it has been submitted that the petitioner is still under suspension. Having been aggrieved, the petitioner filed this writ petition assailing the suspension order as well the extension orders and with a prayer for directing the authority to reinstate him in service, as well as for payment of arrear salary w.e.f. 30.03.2023.

The case of the petitioner is that under the 2nd proviso to Rule 10(7) of the CCS(CCA) Rules, 1965, it is *inter alia* provided that in a case where no charge sheet is issued under the said rules, the total period under suspension or deemed suspension, as the case may be, including any extended period in terms of sub-rule (6) shall not exceed,- (a) two hundred seventy days from the date of order of suspension, if the Government servant is placed under suspension in terms of clause (a) of sub-rule (1).

It has been submitted on behalf of the petitioner that as the petitioner was placed under suspension in exercise of the powers conferred under Rule 10(1)(a) of the CCS(CCA) Rules w.e.f., 30.03.2023 and as the petitioner is still under suspension by virtue of the subsequent extension orders, the petitioner has been placed under suspension for more than 700 days and it is also the case of the petitioner that the article of charges framed against the petitioner in connection with the contemplated departmental enquiry was issued under cover of a memorandum dated 19.02.2025 and as such, by operation of law as provided under the 2nd proviso to Rule 10(7) of the CCS(CCA) Rules, the impugned suspension order as well as the impugned extension orders are liable to be quashed and set-aside.

Mr. S. Neoplean, learned G.A., fairly submitted that he received a copy of the article of charges framed against the petitioner under cover of memorandum dated 19.02.2025 and that the authorities cannot furnished the article of charges to the petitioner before 19.02.2025. The learned G.A. further submitted that the validity of the suspension order of the petitioner as well as the extension order will be invalid only with effect from the date when this Court quash the same and not before that.

I have heard at length the submission advanced by the learned counsel appearing for the parties and also carefully perused the materials available on record.

In the present case, the petitioner was placed under suspension in contemplation of a departmental enquiry w.e.f., 30.03.2023 in exercise of the powers conferred by Rule 10(1)(a) of the CCS(CCA) Rules, 1965 and subsequently the period of suspension was extended from time to time by issuing separate orders. It is also on record that, as on today, the petitioner is still under suspension and he has been placed under suspension for more than 700 days and that the article of charges was framed against the petitioner only on 19.02.2025. Accordingly, by virtue of the provisions under 2nd proviso to Rule 10(7) of the CCS(CCA) Rules, the impugned suspension order as well as the extension orders are rendered illegal and this Court is of the considered view that the further suspension of the petitioner is not sustainable in the eyes of law and accordingly the impugned suspension order as well as the impugned extension orders are hereby quashed and set-aside.

Consequently, the respondents are directed to reinstate the petitioner in service w.e.f. the day after 270 days counting from 30.03.2023 with all consequential benefits.

With the aforesaid direction, the present writ petition is disposed of.

JUDGE

Indrajeet