

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

WP (C) No. 268 of 2025

Thingnam Bhuben Singh

Petitioner

Vs.

State of Manipur; & 3 Ors.

Respondents

BEFORE

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

14.05.2025

[1] Heard Mr. Viscount Ahongsangbam, learned counsel appearing for the petitioner and Mr. Shyam Sharma, learned GA appearing for the respondents.

[2] The present writ petition has been filed assailing the order dated 27.02.2021 issued by the Deputy Secretary (Revenue), Government of Manipur by which the petitioner has been placed under suspension in exercise of the powers conferred by Rule 10 (1) of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 CCS (CCA) Rules.

[3] The case of the petitioner is that under Rule 10 (6) of the CCS (CCA), Rules, 1965, it is, inter-alia, provided that an order of suspension made under sub-rule 1 of Rule 10 shall be reviewed by the authority which is competent to modify or revoke the

suspension before expiry of 90 days from the effective date of suspension on the recommendation of the review committee constituted for the purpose and pass orders either extending or revoking the suspension.

Under sub-rule (7) of Rule 10 of the CCS (CCA) Rules, 1965, it is provided that an order of suspension made under sub-rule (1) of Rule 10 shall not be valid after a period of 90 days unless it is extended after review for further period before the expiry of 90 days.

Under the second proviso to sub-rule (7) of Rule 10, it is inter-alia, provided that in case where no charge sheet have been issued under the said Rules, the total period under suspension, including any extended period in terms of sub-rule (6) shall not exceed 270 days from the date of order of suspension.

[4] It is the case of the petitioner that in the present case, the petitioner was placed under suspension w.e.f. 27.02.2021 by issuing the impugned order dated 27.02.2021 and thereafter no order extending the period of suspension was communicated to the petitioner and that no article of charge has also been framed by the authorities in connection with the departmental enquiry contemplated against the petitioner. Accordingly, it has been submitted on behalf of the petitioner that by virtue of the provisions

under sub-rule (6), (7) and second proviso to sub-rule (7) of Rule 10 of the CCS (CCA), Rule, 1965, the impugned suspension of the order of the petitioner has been rendered invalid. The learned counsel accordingly prays for quashing and setting aside the said impugned suspension order and to direct the respondents to reinstate the petitioner in service with all consequential benefits.

[5] In terms of the earlier direction given by this Court, the Government Advocate has placed before this Court the relevant Government file pertaining to the impugned suspension order. On perusal of the said file, it transpires that after holding a meeting and on the basis of the recommendation of the said review committee, the authorities extended the period of suspension of the petitioner by issuing an order on 23.09.2021 and thereafter the period of suspension of the petitioner was also extended further by issuing various other orders subsequently. It is also verified from the record that till today, the authorities have not framed any article of charges against the petitioner in connection with the contemplated departmental enquiry.

[6] Mr. Shyam Sharma, learned GA appearing for the respondents, however, submitted that rightly or wrongly, the authorities have extended the period of suspension of the petitioner by issuing various orders and that since the period of suspension

of the petitioner has been extended by the authorities, no interference from this Court is called for. It has also been submitted that unless and until the petitioner challenge the subsequent order extending the period of his suspension, the writ petition is rendered futile and no effective order can be passed.

[7] After hearing the submission advanced by the learned counsel appearing for the petitioner and on perusal of the record including the relevant Government file placed before this Court, it is ascertain without any doubt that the authorities extended the period of suspension of the petitioner after the expiry of 90 days, i.e., by issuing an order only on 23.09.2021.

In view of this undisputed fact, this Court come to the conclusion that the act of the authorities in extending the period of suspension of the petitioner is ultra-vires the provisions of sub-rule (6) of Rule 10 and by operation of law as provided under sub-rule (7) of Rule 10, the impugned suspension order has been rendered invalid. Moreover, when the authorities did not frame or issue any article of charges against the petitioner, till today, i.e., after more than 4 years from the date of suspension, this Court comes to the conclusion that by operation of law as provided under the second proviso to sub-rule (7) of Rule 10 of the CCS (CCA) Rules, 1965, the suspension order has also been rendered invalid and illegal.

[8] In the result, this Court is of the considered view that the petitioner has been able to make out a case. Accordingly, the impugned suspension order dated 27.02.2021 is hereby quashed and set aside. The authorities are further directed to reinstate the petitioner in service forthwith with all consequential benefits.

[9] With the aforesaid direction, the present writ petition is dispose of.

Sapana

JUDGE