HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 13033/2020

Ramesh Chandra Gurjar S/o Shri Ram Narayan Gurjar, Aged About 50 Years, Resident Of Village And Post Kaliyas, Tehsil Asind, District Bhilwara.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Department Of Home Affairs, Government Of Rajasthan, Jaipur.
2. The Director General Of Police, Headquarters, Jaipur.
3. The Inspector General Of Police, Ajmer Range, Ajmer.
4. The Superintendent Of Police, Bhilwara.

----Respondents

For Petitioner(s) : Mr. Sushil Solanki, through Cisco Webex

JUSTICE DINESH MEHTA

Order

07/12/2020

1. This writ petition has been filed by the petitioner aggrieved against the order dated 17/11/2017 (Annex.-1), whereby the petitioner has been placed under suspension.

2. The petitioner made representation, inter alia, indicating that already challan against the petitioner has been filed and despite passage of sufficiently long time, the petitioner has not been reinstated and, therefore, the order of suspension requires review and the petitioner deserves to be reinstated.

3. Learned counsel for the petitioner with reference to judgment in *Manvendra Singh v. State of Raj. & Ors.: SBCW No. 4276/2018*, decided on 21.12.2018 at Jaipur Bench submitted

that the Court in the said judgment has dealt with the powers of the disciplinary authority under Rule 13(5) of the Rules of 1958 and appellate authority under Rule 22 of the Rules of 1958 and has held that the various circulars issued by the State Government laying down limitation to examine the revocation of suspension order after a period of three years from the date of suspension/after a period of one year from the date, the charge-sheet has been filed, was not justified and it was open for the authorities to examine the case for revocation of suspension even prior to the said periods fixed in the circular.

4. In the over all fact circumstances of the case as projected as well as the law laid down by this Court in the case of Manvendra Singh (supra), the writ petition filed by the petitioner is disposed of, the respondent-disciplinary authority, is directed to decide the representations made by the petitioner in light of the judgment in the case of Manvendra Singh (supra).

5. The needful may be done by the respondent No.3 within a period of four weeks from the date a copy of this order is placed by the petitioner.

6. The petitioner would be free to file a further representation alongwith requisite documents before the disciplinary authority.

(DINESH MEHTA),J

65-skm/-