Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.796 OF 2026

Mr. Honaji Arjun Morajkar
Aged 53 years,
Residing at Housing Board Colony,
Harvalem, Sakali, Goa. ….Petitioner

Versus

1. STATE OF GOA,
through its Chief Secretary,
having its office at Secretariat,
Porvorim - Goa.

2. Director of Panchayats,
Government of Goa,
having its office at 5th Floor,
Myles High Corporate,
Patto, Panaji-Goa. …..Respondents

Mr. Yogesh V. Nadkarni with Mr. Kunal Nadkarni, Advocates for the Petitioner.
Ms. Sapna Mordekar, Additional Government Advocate for Respondent Nos.1 and 2.

CORAM :- VALMIKI MENEZES &
AMIT S. JAMSANDEKAR, JJ.

DATE :- 4th NOVEMBER 2026

ORAL JUDGMENT : ***(Per Valmiki Menezes, J.)***

1. Heard. Rule. Rule is made returnable forthwith with the consent of and at the request of the learned Counsel appearing for the parties.

2. The Petitioner has assailed the Memorandum dated 24.07.2026 and the refusal of the Director of Panchayats to consider the Petitioner's representation that his continuation under suspension is beyond the period of 90 days without any review in terms of Rule 10(6) of the CCS (CCA) Rules was illegal.

3. The following facts are required to be referred to since they attain certain relevance to the present case:

The Petitioner was placed under suspension on 17.01.2025 prior to disciplinary proceedings being instituted against him on certain charges of misconduct. The suspension order did not state the duration of the suspension, but suffice it to say that under Rule 10(6) of the CCS (CCA) Rules, if the suspension order is not reviewed by the Review Committee within 90 days, which in this case ended on 17.04.2025, the suspension would automatically stand revoked. There appears to have been no review by the Review Committee during this period, and instead the Director of Panchayats issued a review order only on 29.07.2025 and thereafter a second order was issued on 25.02.2026, all of which were beyond the prescribed period of 90 days under the Rules.

4. The Petitioner has thereafter made the aforementioned representation on 09.07.2026, which was rejected by the Director of Panchayats on 24.07.2026.

5. The Petition has been vehemently opposed by the State, contending that there are subsequent orders of review by the Director of Panchayats and there is no cause for interference with his orders.

6. On plain reading of Rule 10(6), it is clear that a suspension order may be reviewed on the recommendation of the Review Committee constituted for that purpose and orders may be passed extending the suspension only on such recommendation. It is not the case of the Director of Panchayats that the Review Committee considered the case of extension of the original order of suspension within the 90 days specified under Rule 10(6), but this is clearly a case where both further periods of suspension were extended after the initial elapsing of the 90 days.

7. In ***Union of India V/s. Dipak Mali***[1], the Supreme Court has considered a similar case and has recorded its conclusion that a subsequent review order of extension after the period of 90 days cannot legally amount to a period of extension of suspension. Relevant paragraphs of the judgment are reproduced below:

> *"6. Dealing with the said contention, the High Court held that since there was no interim stay in OA No. 540 of 2004 filed by the respondent, there was nothing to prevent the petitioners from reviewing the suspension within 90 days from 2-6-2004. On such ground the High Court dismissed the writ petition. It is against the said order of the High Court that the present special leave petition has been filed.*

[1] (2010) 2 SCC 222

> *11. The case sought to be made out on behalf of the petitioner Union of India as to the cause of delay in reviewing the respondent's case, is not very convincing. Section 19(4) of the Administrative Tribunals Act, 1985, speaks of abatement of proceedings once an original application under the said Act was admitted. In this case, what is important is that by operation of sub-rule (6) of Rule 10 of the 1965 Rules, the order of suspension would not survive after the period of 90 days unless it was extended after review. Since admittedly the review had not been conducted within 90 days from the date of suspension, it became invalid after 90 days, since neither was there any review nor extension within the said period of 90 days. Subsequent review and extension, in our view, could not revive the order which had already become invalid after the expiry of 90 days from the date of suspension."*

8. Applying the ratio of the above judgment to the facts of the present case, clearly the initial suspension order which was issued on 17.01.2025 came to an end on 17.04.2025 on the lapse of 90 days. There was no review by the Review Committee during this period. Consequently, therefore, all further orders of suspension, i.e. order dated 29.07.2025 and 25.02.2026, would have no effect and they would be contrary to Rule 10(6) of the CCS (CCA) Rules.

9. Consequently, therefore, we quash and set aside the impugned Memorandum dated 24.07.2026 and hold that the orders of suspension dated 29.07.2025 and 25.02.2026 are all contrary to the provisions of Rule 10(6) of the CCS (CCA) Rules as a consequence of setting aside these orders. We make the rule absolute in terms of prayer clauses A, B, C & D. The Petitioner would be entitled to be treated as being on duty

from 18.04.2025 when he completes 90 days of suspension and consequently all dues payable to him from 18.04.2025 shall now be paid by the State Government within eight weeks from today. The Petitioner shall be issued a communication informing him of his full reinstatement of service w.e.f. 18.04.2025. Needless to state that any observations made in this judgment shall not affect the disciplinary proceedings in any manner. The disciplinary proceedings may be taken to its logical conclusion.

10. Parties to act on an authenticated copy of this judgment.

AMIT S. JAMSANDEKAR, J. **VALMIKI MENEZES, J.**

Signed by: NITI K HALDANKAR
Designation: Private Secretary
Date: 04/11/2026 16:31:37