

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAI PUR

ORDER
IN
S. B. Civil Writ Petition No. 4395/2010

Madan Lal Meena Vs. The Jai pur
Vi dhyut Vi tran Ni gam Li mi ted,
Jai pur and Another

Date of Order :: 31.03.2010

Present
Hon'ble Mr. Justice Mohammad Rafiq

Shri Naseemuddin Quazi, Counsel for petitioner
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By the Court:-

Shri Naseemuddin Quazi, learned counsel for petitioner, submits that petitioner, while working as Assistant Store Superintendent in the office of respondent No. 2, on account of a criminal case being registered against him under Prevention of Corruption Act, was placed under suspension vide order dated 14.12.2005. There is no progress in trial and it will take its own time. At the same time, he is facing agony of suspension for last more than 5 years by now. He although made application for reconsideration, but the authority has failed to consider the same.

Learned counsel has relied on judgments of this Court reported in 2005 (9) RDD (Raj.) 3962, *Prem Prakash Mathur Vs. State of Rajasthan & Others*, and in 2009 WLC [UC]-701, *Vishnu Kr. Gupta & Anr. Vs. State & Others*, and submits that in the facts and circumstances of those cases where the

authorities were blindly invoking the Circular of the State Government dated 10th of August, 2001 while deciding the representation/review of suspension submitted by employees under Rule 13(5) of the Rajasthan Civil Services (CCA) Rules, 1958, the Hon'ble Court held that the Circular issued by State Government dated 10.08.2001 will not supersede statutory requirement which is to be complied with by authority concerned under Rule 13 (5) of the Rules of 1958.

Without going into merits of the matter at this stage, this Court considers it appropriate to direct petitioner to make a fresh representation for review/reconsideration of the order of suspension dated 14.12.2005 before the competent authority, who may independently examine the same and may also take note of the judgments referred to above, and pass speaking order within three months thereafter and decision may be communicated to petitioner and if still he is aggrieved, will be free to avail the remedy under law.

With these directions, writ petition stands disposed of accordingly.

(Mohammad Rafiq) J.