

(1)

In the High Court of Judicature for Rajasthan
 Jaipur Bench, Jaipur

O R D E R

S.B. Civil Writ Petition No.10169/2010
 Vijay Pal Singh Vs. State of Raj. & Anr.

Date of Order :: 30/7/2010

Hon'ble Mr. Justice Ajay Rastogi

Mr. Vijay Pal Singh, petitioner present in person.

Petitioner present in person submits that while holding the post of Class-IV was placed under suspension vide order dt. 22.12.97(Ann. 2) on account of criminal case being registered against him. He further submits that however charge has been framed and the matter is pending for prosecution evidence and trial will take its own time while he is facing agony of suspension for almost 13 years by now.

He further submits that without examining the continuation of suspension as to whether it is required or not, the authorities are blindly invoking the circular of the State Government dt. 10th August, 2001 while deciding representation/review of suspension submitted by the employee under Rule 13(5) of the Rajasthan Civil Services (CC&A) Rules, 1958.

He has further placed reliance on a judgment of this Court reported in Prem Prakash Mathur Vs. State of Rajasthan & Ors (2005(9) RDD 3962 (Raj.) & Vishnu Kr. Gupta Vs. State & Ors. (2009 WLC (UC) 701). He

(2)

submits that the Circular issued by the State Government dt. 10/08/2001 will not supersede the statutory requirement which is to be complied with by the authority under Rule 13 (5) of the Rules.

Without going into merits of the matter, this writ petition is disposed of with the directions to the petitioner to make a fresh representation for reconsideration/review of the order of suspension dt. 22.12.97 (Ann. 2) before the competent authority under Rule 13(5) of the Rules, 1958 who may independently examine the same without being influenced by the instructions dated 10th August, 2001 and may also take note of the judgments (supra) and pass speaking order within three months thereafter and decision may be communicated to the petitioner who if still feels aggrieved, will be free to avail the remedy under law.

(Ajay Rastogi), J.

VS Shekhawat/-
10169cw10July30FnIDE-SuspRep(13(5).doc