

IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN BENCH AT JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.13209/2013.

Shambhu Dayal Sharma
Vs.
State of Rajasthan & Ors.

Date of order : February 28, 2014.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

None present for the petitioner.

BY THE COURT:-

This writ petition has been filed by the petitioner against the order of suspension dated 27/3/2011. Petitioner was placed under suspension on account of his involvement in criminal case for offence u/Ss.457, 467, 468, 471, 420 and 120B IPC. Allegation against petitioner, a Class-IV employee was that he tampered with the answer-sheet of the examination of the Board of Secondary Education at the center of the Board at Mantown.

Contention of the petitioner is that he has been falsely implicated in the present case. He was released on bail by order of this Court dated 28/6/2011 and he cooperated the investigating agency during bail. The order of suspension has mechanically been passed. There is no possibility of petitioner in any manner to influence the pending investigation. Petitioner made number of representations to the respondents to revoke the order of suspension but all gone in vein. It is

contended that trial of the case is likely to take long and it is not necessary for the entire duration of trial that the government should continue the petitioner under suspension particularly when no disciplinary proceedings have been initiated against him. Petitioner has further contended that he is due to retire on 31/7/2014 therefore his prolong suspension would create difficulty for him to get his retiral dues.

Having regard to the fact that petitioner was placed under suspension on 27/3/2011 and completion of his trial is nowhere in sight, petitioner is required to make a representation to respondent No.2-the Director, Secondary Education, Bikaner, who may in view of the fact that the impugned-order of suspension has been passed as long back as 27/3/2011 and petitioner is going to retire soon on 31/7/2014, to consider review of suspension of the petitioner under Rule 13(5) of Rajasthan Civil Services (CCA) Rules, 1958 in the light of the judgment of this Court in **Prem Prakash Mathur Vs. State of Rajasthan & Ors. : 2005(9) RDD 3962 (Raj.)**, **Vishnu Kr. Gupta Vs. State : 2009 WLC (UC) 701, Shivcharan Lal Bairwa Vs. State & Ors. : S.B. Civil Writ Petition No.8452/2012** and recently delivered judgment by this Court in **Shivdayal Sharma Vs. State & Ors. : S.B. Civil Writ Petition**, wherein this Court in similar set of circumstances, while disposing of the writ petition in the light of the judgment rendered by this court earlier in **Prem Prakash Mathur** supra, directed the

respondents to reinstate the petitioner in service however with the further direction not to give him sensitive post during the pendency of criminal case.

In case, the grievance of the petitioner is not redressed, the respondents are required to decide his representation by a speaking and reasoned order assigning reasons to him for not doing so, within a period of two months from the date, petitioner is approaching him.

With that direction, the writ petition is disposed of.

(MOHAMMAD RAFIQ), J.

Anil/63

All corrections made in the judgment/order have been incorporated in the judgment/order being e-mailed
Anil Kumar Goyal
Sr.P.A. Cum JW