



2025:MNHC:23

**NON-REPORTABLE**

**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

**WP(C) No.516 of 2024**

Md.Raheijuddin Sheikh, aged about 55 years,  
s/o Md.Minhajuddin of Sangaiyumpham  
Puleipokpi, Thoubal District presently staying  
at Mantripukhri, Friends Colony near New  
Secretariat, PO Mantripukhri P.S Heingang,  
Imphal East District, Manipur.

*... Petitioner*

**-Versus-**

1. State of Manipur through the Principal Secretary/  
Commissioner/ Secretary (University and Higher  
Education), Government of Manipur, Secretariat  
Block, PO & PS Imphal, Imphal Manipur 795001.
2. The Director, University and Higher Education,  
Government of Manipur, Governor Road,  
Imphal 795001.

*... Respondents*

**BEFORE  
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**

For the Petitioner	::	Mr.H.S.Paonam, Sr.Advocate Mr.Chinglemba, Advocate
For the Respondents::		Mr.Th.Sukumar, Government Advocate
Date of hearing	::	23.10.2024
Date of order	::	31.01.2025

**O R D E R (CAV)**

[1] By the present writ petition, petitioner, who was earlier  
suspended vide order dated 22.3.2024, is challenging order dated  
19.6.2024 extending the suspension on the ground that the impugned



order is issued/communicated after expiry of 90 days in violation of Rules 10 (7) of the CCS (CCA) Rules, 1965.

[2] Facts leading to filing the present writ petition is recapitulated as under.

The petitioner who continued to serve the State Government as full-fledged College Teacher since 1995 was to promote to the post of Associate Professor in terms of the UGC Guidelines and consequently, appointed as Nodal Officer of DM Community College, Imphal, which is a flagship programme of the UGC. The petitioner was allowed to hold the charge of Director, DDU KAUSHAL KENDRA, at DM Community College. The petitioner continued to hold the post of Nodal Officer in DM Community College while he was Regular Government College Principal.

[3] It is stated that upon recommendation by the MPSC, petitioner was appointed as Principal of Government Colleges and posted as Principal of Kakching Khunou College vide order dated 5.3.2020. While the petitioner was in DM Community College, he was pressurized to leave the post of Nodal Officer and he tendered his resignation as Nodal Officer vide letter dated 14.7.2020 and the same was accepted vide office letter dated 2.9.2020. Thereafter, petitioner was transferred from Kakching Khunou College, Kakching Khunou to Lilong Haoreibi College, Lilong and from Lilong Haoreibi College, Lilong to Moirang College, Moirang vide order dated 22.8.2023.

It is stated that an enquiry committee was constituted for alleged misappropriation of Rs.1,45,76,703/- by the present petitioner and one E.Jadu Singh, the then Principal, DM College of Science and the State Government issued the impugned suspension order dated



22.3.2024 suspending the petitioner in contemplation of a disciplinary proceedings. It is further stated that the present petitioner who was discharging as Principal of Moirang College, would not in any manner have the accessibility of interfering with the affairs of DM Community College at the time of suspension order.

[4] It is stated that the petitioner being aggrieved by the impugned suspension order dated 22.3.2024 submitted a representation dated 26.3.2024 to the State Government. The State Government was pleased to issue Memorandum dated 29.4.2024 to proceed with the Departmental Enquiry proposed to be held against the petitioner. Petitioner submitted his Statement of Defense on 2.5.2024 against the charge framed vide Memorandum dated 29.4.2024. Further, the petitioner submitted supplementary documents on 24.7.2024 in support of Statement of Defense dated 2.4.2024 and the Enquiry Authority passed order dated 25.7.2024 regarding holding of Departmental Enquiry against the petitioner.

It is further stated that during pendency of the Departmental Enquiry, petitioner submitted a representation dated 25.7.2024 for reinstating him in service as the impugned suspension order dated 22.3.2024 has not been reviewed and extended within a period of 90 days from the date of issuance of the suspension order in terms of Rule 10 (7) of the CCS (CCA) Rules 1965.

It is stated that the petitioner received a Speed Post-dated 30.07.2024 containing the impugned back dated uncommunicated order dated 19.6.20024 extending the suspension of the petitioner who was earlier suspended vide order dated 22.3.2024. The petitioner prays for quashing and setting aside the impugned back dated order dated 19.6.2024 extending the suspension of the petitioner dated 22.3.2024,



which is further stated to have not been reviewed and extended within the stipulated period of 90 days.

[5] State respondent Nos.1 and 2 has filed affidavit in opposition. In the affidavit in opposition it is stated that the suspension order dated 22.3.2024 was reviewed by a Review Committee constituted under Rule 13 (iii) of the CCS (CCA) Rules, 1965 within the statutory period of 90 days and necessary order dated 19.6.2024 was issued by the Government. It is further stated that in response to the representation dated 25.7.2024 of the petitioner, the Administrative Department vide letter dated 31.7.2024 informed the Petitioner that the order dated 19.6.2024 for extension of suspension was served to him by way of dasti service, however the house of the petitioner was surrounded by water due to flood and attempts to serve the same remained futile. As such, the same was communicated by way of postal service via speed post on 18.7.2024 and was received by the petitioner on 23.7.2024.

[6] Mr. HS Paonam, learned senior counsel for the petitioner submits that as per Rule 10(7) of CSS (CCA) Rules, 1965, the order of suspension has to be reviewed and extended before the expiry of the 90 days, failing which the suspension order stands revoked automatically. It is pointed out that the suspension order dated 22.03.2024 was extended vide order dated 19.06.2024 and the same was sent to the petitioner only on 18.07.2024 and delivered to him on 30.07.2024. It is stated that on 30.07.2024 when the petitioner received the extension order dated 19.06.2024, the statutory 90 days have already lapsed and as such the extension order was not issued within the said period. It is also highlighted that posting of an order dated 19.06.2024 only on



18.07.2024 is prima facie evidence the extension order was back dated to cover up lacunae. Learned senior counsel emphasises that the back dated extension dated 19.06.2024 would be effective from the date of delivery, ie, from 30.07.2024 and by that time the statutory period of 90 days has already expired. Hence, there is extension within 90 days and the suspension order dated 22.03.2024 stands vacated. In this regard, reliance is placed on the following judgments to the effect that an order will be effective from the date of receipt of the order: (i) AIR 1963 SC 395; (ii) AIR 1966 SC 1313; (iii) (2012) 6 SCC 384; (iv) (2007) 7 SCC 309; (v) (2008) 5 SCC 438; (vi) (2010) 9 SCC 157; (vii) (2019) 15 SCC 1. It is prayed that the extension of suspension order dated 19.06.2024 delivered on 30.07.2024 could not be considered as a valid extension within 90 days prescribed by Rule 10(7) of the CCS (CCA) Rules, 1965 and the suspension order dated 22.03.2024 stands automatically revoked.

[7] Per contra, Mr. Th. Sukumar, learned GA submits that the extension order dated 19.06.2024 cannot be termed as back dated without any cogent material. The respondents issued extension order 19.06.2024 thereby extending the suspension order 22.03.2024 well within 90 days as stipulated by Rule 10(6) & (7) of the CCS (CCA) Rules, 1965. The reason for not enabling to serve the same by dasti has already been explained in the counter affidavit due to the flood and prevailing law and order situation in Manipur. Thereafter, the extension order dated 19.06.2024 was sent by speed post on 18.07.2024 and the same was delivered on 23.07.2024 as reflected in the tracking report. Learned GA refers to Rule 10(6) which mandates the authority to review the suspension order within 90 days and Rule 10(7) stipulates suspension order valid only for 90 days unless extended before expiry of



90 days. It is pointed out that the rule does not provide that the order of extension of suspension has to be communicated to the employee within the 90 days. Learned GA distinguishes the judgments cited by Mr. H S Paonam to the fact that those cases are with regard to termination from service and allotment of plots and not related to the provisions of Rule 10 of CCS (CCA) Rules 1965 specially sub Rules 6 & 7. Reference is made to the decisions of- (i) (2013) 16 SCC 147: CCS rule is a self-contained code and order of suspension has to be examined within its ambit. It is submitted that no communication is required to be given within 90 days; (ii) (2008) 7 SCC 29: an order of dismissal requires communication and no such requirement for suspension; (iii) (2001) 7 SCC 71: court cannot add words to a statute when same is not intended. It is submitted communication within 90 days cannot be added to Rule 10; (iv) (2010) 1 SCC 756: without challenging the main order, consequential order cannot be challenged. It is submitted that without challenging main suspension order dated 22.03.2024, the petitioner cannot challenge the extension order dated 19.06.2024. It is prayed that the writ petition be dismissed being devoid of any merit.

[8] From perusal of the pleadings and submissions made at bar, this Court frames the question involved in the present case as:

“Whether the extension order of suspension has to be communicated to the employee within 90 days or extension order has to be issued within 90 days within the meaning of Rule 10 (6) & (7) of CSS (CCA) Rules, 1965?”

[9] It will be fruitful to reproduce the provisions of Rule 10 (6) & (7) of CSS (CCA) Rules, 1965 as below:

*(6) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority which is competent to modify or revoke the suspension before expiry of*



*90 days from the date of order of suspension on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding 180 days at a time.*

*(7) Notwithstanding anything contained in sub-rule 5 (a), an order of suspension made or deemed to have been made under sub-rules (1) or (2) of this rule shall not be valid after a period of 90 days unless it is extended after review, for a further period before the expiry of 90 days.*

From the above provisions, it is clear that the suspension has to be reviewed and extended before expiry of the 90 days, failing which the initial suspension order shall not be valid. In other words, on failure to extend the order of suspension before expiry of 90 days, the suspension order automatically revokes or expires. The crucial words are 'extension before expiry of 90 days' and the rule does not stipulate that the order of extension should be communicated to the employee before the expiry of 90 days.

[10] This Court finds substance in the submission of Mr. Th. Sukumar, learned GA that extension before 90 days would be sufficient compliance of statutory requirements under Rule 10 (6) & (7) of CSS (CCA) Rules, 1965. Since the rule is silent about communication to the employee before expiry of 90 days, the contention of Mr. H S Paonam, learned senior counsel lacks credence. The cases cited by the petitioner are not concerning Rule 10 and hence are not applicable to the peculiar facts of the present case. Accordingly, writ petition is dismissed. Pending application, if any, stands disposed of. No cost.



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**JUDGE**

***FR/NFR***

***Priyojit***

KH.  
JOSHUA  
MARING

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by KH. JOSHUA  
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