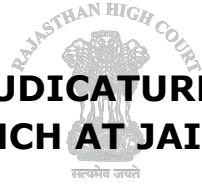




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 14341/2025

Mahendra Kumar Son Of Shri Hanuman Prasad, Aged About 59 Years, Resident Of Ward No. 8, Khatikan Mohalla, Surajgarh, District Jhunjhunu, Rajasthan. (Employee Id- Rjjj199523011914)

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Secretary, Department Of Personnel, Govt. Secretariat, Rajasthan, Jaipur
2. Addl. Chief Secretary, Public Health And Engineering Department, Jaipur.
3. Deputy Secretary, Personnel, (Ka-3/enquiry), Director, Animal Husbandry Department, Rajasthan, Jaipur

-----Respondents

Connected With

S.B. Civil Writ Petition No. 13210/2025

Ram Lal Meena Son Of Shri Ram Sahay Meena, Aged About 56 Years, Resident O F B-93, Sarswati Nagar, Malviya Nagar, Jaipur.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Department Of Personnel, Government Of Rajasthan, Government Secretariat, Jaipur.
2. Additional Chief Secretary, Public Health And Engineering Department, Government Of Rajasthan, Government Secretariat, Jaipur.
3. Deputy Secretary, Department Of Personnel (A-3/inquiries), Government Secretariat, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Mahendra Kumar in SB CWP No. 14341/2025
Mr. Pawan Sharma with
Mr. Ashok Bansal in SB CWP No. 13210/2025

For Respondent(s) : Ms. Gunjan Chawla for
Mr. Neeraj Batra, GC
Ms. Sneha Kaushal





HON'BLE MR. JUSTICE ANAND SHARMA
Order

11/02/2026

1. Learned counsel for the petitioners have challenged the order dated 27.03.2025 passed by Deputy Secretary, Department of Personnel, Government of Rajasthan, Jaipur whereby, the petitioners were placed under suspension in contemplation of enquiry under Rule 16 of Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958.

2. Learned counsel for the petitioners would submit that, it would reveal from bare perusal of the charge-sheet that the disciplinary enquiry has been instituted against the petitioners alleging irregularities in carrying out some project while they were posted in the office of Executive Engineer Project Division Ist, Pali in the year 2022. However, at the time when suspension order dated 27.03.2025 was issued the petitioners were posted at Jhunjhunu and Sanchore City respectively, which are admittedly situated at long distance from district Pali. It is submitted that after placing the petitioners under suspension, even charge-sheet has been framed and served upon the petitioners and the petitioners have submitted their reply to the charge-sheet. Thus, under these circumstances where, definite charges have been framed by the respondents and replied by the petitioner, at this stage, when the petitioners are not posted at Pali, by no stretch of imagination, there can be any possibility of tampering with any evidence or influencing any witness by the petitioners. Learned counsel submits that even otherwise, no rational object is sought to be achieved by continuing the petitioners under suspension for





uncertain period, where the Government itself is paying subsistence allowance @ 75% to the petitioners without asking them to discharge their duties in the office.

3. Learned counsel submits that the suspension order was challenged by the petitioners by way of filing appeal before the Rajasthan Civil Services Appellate Tribunal, Jaipur where split verdict has been given by the Tribunal in the ratio of 2:1 to dismiss the appeal filed by the petitioners. Learned counsel for the petitioners also relied upon the judgment of Coordinate Bench of this Court in the case of **Vivek Singh Vs. State of Rajasthan & Ors. in S.B. Civil Writ Petition No. 14761/2025** decided on 05.12.2025.

4. *Per contra*, learned counsel for the respondents vehemently opposed the writ petition and submitted that as the petitioners were indulged in serious financial irregularities therefore, in contemplation of departmental enquiry, they were placed under suspension. It is further submitted that looking to the seriousness of the misconduct, the charge-sheet under Rule 16 of the Rules of 1958 has been issued to the petitioner. Learned counsel submits that only in order to obviate the possibility of tampering with evidence and influencing witness, the petitioners have been placed under suspension and in case, the suspension is revoked, there is a possibility that, they may use their influence either for destroying the evidence or for influencing the witnesses.

5. Heard learned counsel for the parties and perused the record.

6. In the light of the above facts, where for the incident, which took place in the year 2022, the petitioners were placed





under suspension in the year 2025, more so, when at the time of issuance of suspension order, both of them were not continuing at Pali, where the said incident of financial irregularity has taken place. Even otherwise, it is not disputed that after issuing the suspension order, both the petitioners have been served with charge-sheet and they have already filed their reply. Thus, the defence available to the petitioners against the charge-sheet has already been disclosed by them. Since, they are not posted at the same place where the said incident had taken place, therefore, in the similar circumstances Coordinate Bench of this Court at Principal Seat, Jodhpur in the case of **Vivek Singh (Supra)**, has held as under:

"11. After examining the record and considering the submissions and materials placed before the Court, it prima facie emerges that the petitioner Vivek Singh was placed under suspension by order dated 27.05.2025. Prior thereto, he had already been transferred from the District Transport Office, Sawai Madhopur to the Regional Transport Office, Jaipur-II, Jaipur. Petitioner Dayashankar Gupta was suspended by order dated 04.06.2025, on which date he was serving at the District Transport Office, Chittorgarh pursuant to his transfer. Similarly, the petitioner Rajneesh Vidhyarthi was suspended on 04.06.2025 while posted at the District Transport Office, Bundi. Prior to this, he had been transferred from Sawai Madhopur to Kota, thereafter from Kota to Sirohi, and subsequently from Sirohi to Bundi, where the suspension order was served upon him. It is further noted that the charge-sheets issued to the petitioners do not pertain to their place of posting at the time the suspension orders were passed. The allegations contained therein relate to acts purportedly committed at the District Transport Office, Sawai Madhopur, their earlier place of posting. No material has been brought on record to indicate any wrongdoing by the petitioners in relation to their respective places of posting at the time of suspension. In these circumstances, there appears to be no reasonable likelihood that the petitioners' continued presence at offices other than Sawai Madhopur would impede or prejudice any inquiry or investigation concerning their previous postings.





12. The provision of placing an employee under suspension is not punitive but preventive as a precaution that the employee may not influence/hamper the course of inquiry or temper with the material related to it; an order under Rule 13 of the CCA Rules can be passed, however, when the alleged misconduct is relatable to his previous place of posting which is far away from his present place of posting, still passing an order of suspension seems to be punitive instead of a preventive one.

13. In the opinion of this Court, although the authority has the power to suspend a government employee when a departmental enquiry is proposed, this power cannot be used casually. The authority must apply its mind and ensure that suspension is actually necessary. Suspension is justified only when it has a direct connection with ensuring a fair enquiry. When an employee has already been transferred to another district, far away from the place where the alleged misconduct occurred, and has no access to the earlier office, the need for suspension reduces significantly.

14. Courts have repeatedly held that suspension should not be imposed as a routine measure or used as a form of punishment. It must be a preventive step, taken only when there is a real possibility that the employee may influence witnesses or tamper with evidence. In the present cases, nothing on record shows that the petitioners, working in entirely different districts, could in any manner interfere with any enquiry relating to their previous posting at Sawai Madhopur. The respondents have not produced any material to suggest that the petitioners' continuing in service at their present postings would affect the enquiry.

15. The case of petitioner Vivek Singh also highlights a clear error. His suspension order wrongly states that he was posted at Sawai Madhopur on the date of suspension, whereas he had already joined at Jaipur. A suspension order based on incorrect facts clearly shows non-application of mind and cannot be legally sustained. Any administrative order that causes serious consequences must be based on correct and relevant facts.

17. The petitioners have relied on two earlier judgments. The judgment in *Prakash Mali v. State of Rajasthan* directly applies to the present cases because it deals with a similar situation where an employee was suspended even after being transferred away from the place of alleged misconduct. The decision in *Naresh Singh v. State of Rajasthan* lays down general principles regarding suspension and emphasises that suspension should not be ordered mechanically. Both judgments support the





view that suspension must have a clear and reasonable purpose and should not be imposed when the employee cannot influence the enquiry."

7. This Court is in complete agreement with the view taken by the Coordinate Bench in the case of **Vivek Singh (supra)**.

8. It is well settled that an order of suspension is primarily preventive in nature, intended to ensure that the delinquent employee does not tamper with evidence or influence witnesses during the course of enquiry. In the present case, the suspension order has been issued after considerable delay of around three years from the date of alleged incidents. During this intervening period, the petitioners had already been transferred and were serving in entirely different districts, thereby eliminating any reasonable apprehension of interference with the enquiry or influencing of witness. The belated action, in absence of any fresh material or cogent justification, clearly reflects lack of due application of mind. Once the very object of suspension had ceased to exist; the impugned suspension order lost its preventive character and therefore cannot be permitted to stand in the eye of law.

9. In view of foregoing discussion, the suspension order dated 27.03.2025 along with appellate orders passed by the Tribunal are hereby quashed and set-aside.

10. In consequences of quashing the suspension order, the petitioners shall be reinstated back to their respective post forthwith. It is made clear that the respondents are at liberty to continue the disciplinary proceedings initiated by the respondents





against the petitioners. The petitioners shall cooperate in the enquiry proceedings and shall not avoid the same.

11. It is also made clear that this Court has not expressed any opinion over the merits or demerits of the contents of the charge-sheet and validity of disciplinary proceedings.

12. The writ petitions stand allowed, accordingly.

13. Pending application(s), if any, shall also stand disposed of.

14. Copy of this order be also placed in connected file.

(ANAND SHARMA),J

NEERU/11-12

