

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 22290/2025

Sumit Kumar S/o Indraaj Singh, Aged About 37 Years, Resident
Of Village Chohilanwali, Hanumangarh District Hanumangarh
(Raj.).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Secretary, Department
Of Local Self Government, Secretariat, Jaipur.
2. The Commissioner, Municipal Council, Hanumangarh.
3. Municipal Board, Rawatsar, District Hanumangarh
Through Its The Executive Officer.

-----Respondents

For Petitioner(s) : Mr. Gorkh Singh for
Mr. Manjeet Godara.

For Respondent(s) :

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

08/12/2025

1. Heard on the interim stay application.
2. The learned counsel appearing for the petitioner submits that the present impugned order of suspension has been passed by the Commissioner of the Municipality where the petitioner is working as Upper Division Clerk (UDC). The services of the petitioner (UDC) comes under the Rajasthan Municipal (Subordinate and Ministerial Service) Rules, 1960. The appointing authority is not the Commissioner and it the Council/Board. Further, the Commissioner is not a subordinate to the Board of Council. Further, the Commissioner is not an officer authorised to impose suspension in

terms of Section 13 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958.

3. As seen from the Rules of 1963, the definition of the appointing authority has been given and the definition shows that the authority constituted under Section 310 of the old Rajasthan Municipality Act, 1959 is the appointing authority.

4. As seen from the old Act of 1959, if the appointments are made relating to the post of Assessor, Sanitary Inspector or other Inspector or Subordinate Officer or Accountant or a Member of the Ministerial Establishment, the appointments are made by a Council or a Board. This means that for all such posts, the Council is the appointing authority. In the present case, the petitioner falls under the Ministerial Services. Therefore, in the said circumstances, the order of suspension is emanating from the incompetent authority.

5. Therefore, in the said circumstances, there shall be a stay of the order of suspension dated 04.08.2025 (Annex.8). However, this order shall not come in the way of the respondents in taking action in compliance of the statutory requirements.

6. Admit. Issue notice to the respondents, returnable within a period of four weeks.

7. List the matter on **27.01.2026**.

(MUNNURI LAXMAN),J