

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3796/2025

Hemant Paliwal S/o Shri Bhagwati Prasad, Aged About 31 Years,
Resident Of Village - Kodiza, Tehsil - Raithal, Distt.- Bundi.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Secretary, Revenue Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The District Collector (Land Record), Collectorate, Bundi.

-----Respondents

For Petitioner(s) : Mr. Sandeep Saxena

For Respondent(s) : Mr. Bhuvnesh Sharma, AAG

HON'BLE MR. JUSTICE SAMEER JAIN

Judgment

20/03/2025

Learned counsel for the petitioner has placed reliance upon judgment dated 10.02.2025 passed by this Court in **S.B. Civil Writ Petition No.2090/2025** titled as **Intyaz Khan vs. The State of Rajasthan & ors.**, wherein, reliance is placed upon the judgment passed by Hon'ble Apex Court in **Ajay Kumar Choudhary vs. Union of India (UOI) & Ors.** reported in **2015(7) SCC 291**. The relevant portion of the same is reiterated as below: -

"21. We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge-sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit

him from contacting any person, or handling records and documents till the stage of his having to prepared his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that the previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set timelimits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation, departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us."

Further, while placing reliance upon the same, it is submitted that the representation of the petitioner be considered for revocation of suspension order.

Heard.

Issue notices.

On directions of this Court, Mr. Bhuvnesh Sharma, AAG accepts notices for respondents.

Learned counsel for the respondent has not raised objections qua the contentions of the learned counsel for the petitioner.

Considering the foregoing facts and circumstances of the case, this Court directs respondents to consider the representation of the petitioner, within a period of 60 days from the date of filing, by way of speaking order, in accordance with law, in light of the dictum encapsulated in **Ajay Kumar Choudhary (supra)**.

Accordingly, the present petition is disposed of in light of **Intyaz Khan (supra)**. Pending applications, if any, shall stand disposed of.

(SAMEER JAIN),J