

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 13356/2021

Prahlad Rai Saini S/o Shri Madan Lal Saini, Aged About 37 Years,
R/o Village Indrapura, Tehsil Udaipurwati, District Jhunjhunu
(Raj). Presently Manager, Indrapura Gram Sewa Sahakari Samiti,
Inderpura, tehsil Udaipurwati, District Jhunjhunu (Under
Suspension).

----Petitioner

Versus

1. The State Of Rajasthan, Through Registrar, Cooperative Societies, Rajasthan, Jaipur.
2. Jhunjhunu Kendriya Sahakari Bank Limited, Jhunjhunu Through Its Managing Director.
3. Indrapura Gram Sewa Sahakari Samiti Limited, Indrapura, District Jhunjhunu Through Its Chairman.
4. Shri Manohar Lal Saini, Chairman, Indrapura Gram Sewa Sahakari Samiti Limited, Indrapura, District Jhunjhunu

----Respondents

For Petitioner(s)	:	Mr. Banwari Lal Sharma Mr. Namo Narayan Sharma Mr. Abhishek Kaushik
For Respondent(s)	:	Mr. Hansraj Kuldeep, AGC Mr. Kailash Choudhary Mr. Sanjay Kumar Jat

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

09/02/2026

1. Application No.01/2024 is dismissed as withdrawn as respondents have already paid salary to the petitioner.
2. Application stands disposed of.
3. Instant writ petition is preferred with following prayer:
 - i) declaring the impugned order of suspension dated 3.11.2021 (Annx. 13) passed by the respondent No.3, as illegal and

unconstitutional and the same may kindly be quashed and set-aside;

(ii) directing the respondents to revoke the suspension of the petitioner and order his reinstatement in service with all consequential benefits;

4. While considering stay application, this court has granted interim order on 25.11.2021 in following manner:

Learned counsel for the petitioner submits inter alia that the of order of suspension dated 03.11.2021 is in violation of Rule 38(c) (3)(5) of the Selection, Appointment and Service Conditions of Employees Primary Agriculture Credit Cooperative Societies/Large Scale Agriculture Multipurpose Cooperative Societies Rules, 2008 (for brevity, "the Rules of 2008") inasmuch as there was no recommendation by the District Level Advisory Committee or the Enquiry Committee for his suspension.

Issue notice. Rule is made returnable by five weeks. Notices be filed in two sets. One set of notices be sent through registered post with acknowledgment due. Steps to be taken within a week.

Heard learned counsel for the petitioner on interim relief.

Taking into consideration the contentions advanced by the learned counsel for the petitioner, the material on record and the statutory provisions contained under Rule 38(c)(3)(5) of the Rules of 2008, this Court deems it just and proper to stay operation and effect of the suspension order dated 03.11.2021 till next date.

5. Learned counsel for respondents submits that due to interim order dated 25.11.2021, the operation and effect of the suspension order dated 03.11.2021 was stayed and the inquiry is not proceeding against the petitioner, therefore, the writ petition be disposed at this stage.

6. Instant writ petition is filed to challenge suspension order dated 03.11.2021 passed in violation of Rule 38(c)(iii)(v) of the Selection Appointment and Service Conditions of the employees of Primary Agriculture Credit Cooperative Societies/Large Scale Agriculture Multipurpose Cooperative Societies Rules 2008 (hereinafter referred as "Rules of 2008").

7. A co-ordinate Bench of this Court has already stayed suspension order dated 03.11.2021 by considering the material as placed on record. Learned counsel for respondents submits that there are serious allegations against the petitioner which required to be enquired and due to interim order dated 25.11.2021, the department is not proceeding against the petitioner.

8. Considering the overall circumstances, the writ petition is disposed at this stage while quashing the order dated 03.11.2021 and giving liberty to the respondents to pass an appropriate order, if required in the facts and circumstances of the case and also liberty to enquire into the misconduct of petitioner, if any.

9. In view of aforesaid, the writ petition is allowed and suspension order dated 03.11.2021 is quashed and set aside. The respondents are at liberty to pass appropriate order in accordance with the rules which is applicable upon the petitioner and if they desire they may further proceed conduct any enquiry for alleged charges or misconduct of the petitioner.

10. Accordingly, writ petition and misc. application, if any, stands disposed of.

(ASHOK KUMAR JAIN),J

PREETI VALECHA /92