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C.A.No. 5715 OF 2001  
ITEM No.107

COURT NO. 9

SECTION XV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO. 5715 OF 2001@@  
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STATE OF RAJASTHAN & ORS. ...APPELLANTS

VERSUS

BHANWAR LAL PALIWAL ...RESPONDENT  
(With prayer for interim relief and office report)

Date : 05/03/2003 This appeal was called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s) Mr. Ranji Thomas, Adv.  
Ms. Bharati Upadhyaya, Adv.  
Mr. D.K. Thakur, Adv.

For Respondent (s) Mr. B.D. Sharma, Adv.

UPON hearing counsel the Court made the following  
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Heard learned counsel for the parties for 10 minutes.

The appeal is dismissed in terms of the signed order.

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Sarita (Shelly Sengupta)  
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5715 OF 2001@@  
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... RESPONDENT

O R D E R@@  
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The State of Rajasthan is in appeal assailing the order passed by the Division Bench of the High Court, by which the order dated 15/7/2000 placing the respondent under suspension with effect from 22.11.1999 is quashed. Mr. Ranji Thomas, learned counsel for the appellant-State submitted that the Division Bench of the High Court has committed an error in finding fault with the order passed by the learned Single Judge when he stated that the respondent had an alternative remedy; the appellants had every right to keep the respondent under suspension by virtue of Rule 13 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 when admittedly the respondent was detained in custody for a period of more than 48 hours because of his involvement in a criminal case. According to the learned counsel, the Division Bench was also wrong in saying that the respondent should be paid salary as if he ..2/-

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was never placed under suspension. He added that the respondent being Head Master of a School, made a report as if he has joined his duties because of the directions given by the High Court.

Mr. B.D. Sharma, learned counsel for the respondent submitted that the respondent is now working and getting salary; this Court has not granted any interim order. Under these circumstances, at this stage we may not interfere with the impugned order having regard to the facts stated above.

In the light of what is stated above and taking note of the fact that the respondent is working and is getting salary and when this Court has not granted any interim order, we do not think it necessary or appropriate to interfere with the impugned order on the facts of this case. Hence, while dismissing the appeal, we leave it open to the appellant to pass fresh order of suspension in accordance with law, if need be and also to take any further action depending upon the outcome of the criminal case said to be pending against the respondent.

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.....J.  
(Shivaraj V. Patil)

New Delhi,  
March 5, 2003.

.....J.  
(Arijit Pasayat)