



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



S.B. Civil Writ Petition No. 11072/2026
URN: CW / 24623U / 2026



1. State of Rajasthan through Principal Secretary, Medical And Health Department, Government of Rajasthan, Government Secretariat, Jaipur.
2. Principal Secretary, Department of Personnel, Rajasthan, Government Secretariat, Jaipur.
3. Deputy Secretary, Department of Personnel (A-3/inquiry), Rajasthan, Jaipur.
4. Chief Medical And Health Officer, Khairthal, Tijara.

-----Petitioners

Versus

Dr. Maneesha, W/o Dr. Arjun Singh, Aged About 37 Years, R/o House No. 102, Sirsi Road, Veer Tejaji Gali, Panchyawala, Jaipur.

-----Respondent

For Petitioner(s)	:	Mr. Archit Bohra, AGC with Mr. Yashwant Singh
For Respondent(s)	:	Mr. Ashok Bansal with Mr. Pawan Sharma and Ayush Bansal

HON'BLE MS. JUSTICE REKHA BORANA

Order

20/07/2026

1. The present writ petition has been filed aggrieved of order dated 19.08.2025 passed by the Rajasthan Civil Services Appellate Tribunal, Jaipur (hereinafter referred to as 'the Tribunal') in Appeal No.2630/2025 whereby the appeal as filed by the respondent employee against her order of suspension dated 09.04.2025 and further relieving order dated 21.04.2025, stood allowed.
2. The learned Tribunal allowed the appeal on the following grounds:



(i) The employee was suspended only on basis of the news item published in the newspapers;

(ii) An employee could be suspended only in contemplation of inquiry or pendency of any inquiry whereas in the case at hand, there was neither any inquiry pending nor was contemplated;

(iii) No preliminary inquiry was conducted in the matter;

(iv) No notice was served on the employee prior to passing of the order of suspension;

(v) Suspension is a severe punishment and hence, order of suspension cannot be passed cursorily;

(vi) No charge-sheet had been served on the employee even after three months of the suspension order been passed.

3. Counsel for the petitioner, while relying upon the Division Bench judgments passed in ***State of Rajasthan & Ors. Vs. Manvendra Singh; D.B. Special Appeal Writ No.1111/2019*** (decided on 04.02.2020) and ***State of Rajasthan & Ors. Vs. Dr. Rajesh Kumar Sharma; D.B. Special Appeal (Writ) No.925/2025*** (decided on 19.09.2025) and further, the judgments of this Court in ***Kiran Singaria Vs. State of Rajasthan & Ors.; S.B. Civil Writ Petition No.9652/2025*** (decided on 10.07.2025) and ***Brijmohan Sihag Vs. The State of Rajasthan & Ors.; S.B. Civil Writ Petition No.7999/2025*** (decided on 24.04.2025) submitted that all the grounds on which the learned Tribunal allowed the appeal are erroneous and in contravention to law.

4. Counsel submitted that no provision of law prescribes for a mandatory preliminary inquiry or service of notice prior to an employee being placed under suspension. Further, an inquiry was



definitely contemplated qua the respondent employee as is evident from the order of suspension. The same clearly reflects a direction for the preparation of a charge-sheet and forwarding the same to the Authority.

5. *Per contra* Counsel for the respondents while relying upon the Co-ordinate Bench judgments of this Court (at Jodhpur) in ***Yogesh Acharya Vs. State of Rajasthan & Anr.; S.B. Civil Writ Petition No.10010/2020*** (decided on 06.12.2021) and ***Naresh Singh Vs. State of Rajasthan & Ors.; S.B. Civil Writ Petition No.1788/2024*** (decided on 21.02.2025) submitted that an order of suspension is mandatorily required to record the fact of an inquiry either being pending or being contemplated. The same not being the fact here, order of suspension being not in consonance with Rule 13 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 (hereinafter referred to as 'the Rules of 1958'), has rightly been set aside by the learned Tribunal.

6. Counsel further submits that serving of a charge-sheet within a period of three months of the suspension is also a mandate as per law and hence, the findings as recorded by the learned Tribunal being in consonance with law does not deserve interference by this Court.

7. Heard the Counsels. Perused the record.

8. So far as the findings recorded by the learned Tribunal to the effect that the order of suspension was bad because of no preliminary inquiry being conducted; no notice being served; no opportunity of hearing been granted to the employee prior to passing of the order of suspension; are concerned, the said



findings are clearly contrary to the settled position of law. Further, the finding to the effect that suspension is a severe punishment, is also alien to law.

9. It is an admitted position of law that suspension is not a punishment. Hon'ble the Apex Court in ***Union of India & Anr. vs. Ashok Kumar Aggarwal; 2013 (16) SCC 147*** observed as under:

*"The scope of judicial review is limited in case of suspension for the reason that passing of suspension order is of an administrative nature and **suspension is not a punishment**. Its purpose is to only forbid the delinquent to work in the office and it is in the exclusive domain of the employer to revoke the suspension order. The Tribunal or the court cannot function as an appellate authority over the decision taken by the disciplinary authority in these regards."*

10. Further, no provision of law prescribes for a preliminary inquiry prior to an employee being placed under suspension and neither does any law provides for the mandatory service of notice prior to the same. Even ***Naresh Singh*** (supra) reiterates the same principle, as under:

*"13.3. According to **"Oxford Dictionary"** it means- "the action of suspending or condition of being suspended; the action of debarring or state of being debarred, especially for a time from function or privilege; temporary deprivation of one's office of position."*

13.4. Speaking judicially, it is temporary phase of the disciplinary proceedings and is not a penalty. It is neither a reduction in rank, nor a removal from service. Thus, no prior notice is required to be given or explanation to be called for before passing an order of suspension. As such the Article 311 (2) of the Constitution is not attracted in cases of suspension.





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32.1 I am thus of the opinion that issuing a show cause notice or charge sheet within reasonable period of suspension is sine qua non for continuation thereof, but its prior issuance is not essential when suspension order is passed by competent authority in contemplation of departmental proceedings."

11. The issues which now deserve consideration are, *firstly*, whether order impugned can be termed to be an order of suspension in contemplation of an inquiry or not. *Secondly*, whether serving of the charge-sheet within a period of three months of suspension is a mandate and non compliance of the same would render the order of suspension illegal.

12. Coming to the first issue, order dated 09.04.2025 whereby the employee was put under suspension reads as under:

"-:आदेश:-

डॉ० मनीषा, चिकित्सा अधिकारी, सामुदायिक स्वास्थ्य केन्द्र, बीबीरानी, खैरथल-तिजारा द्वारा आरजीएचएस योजना के प्रावधानों के तहत राजकीय राशि के दुरुपयोग किये जाने के क्रम में राजस्थान सिविल सेवा (वर्गीकरण, नियंत्रण एवं अपील) नियम, 1958 के नियम-13 के तहत प्रदत्त शक्तियों का प्रयोग करते हुए राज्य सरकार डॉ० मनीषा, चिकित्सा अधिकारी, सामुदायिक स्वास्थ्य केन्द्र, बीबीरानी, खैरथल-तिजारा को तुरंत प्रभाव से निलम्बित करने के एतद्द्वारा आदेश प्रदान करती है।

डॉ० मनीषा, चिकित्सा अधिकारी, सामुदायिक स्वास्थ्य केन्द्र, बीबीरानी, खैरथल-तिजारा का निलम्बन काल में मुख्यालय निदेशक, चिकित्सा एवं स्वास्थ्य सेवायें राज. जयपुर के कार्यालय में रहेगा।

राज्यपाल की आज्ञा से,"

13. A bare perusal of the above order reflects that although there is an averment to the effect that the employee committed some financial irregularities because of which she was to be placed





under suspension but it does not reflect any of the three conditions as prescribed under Rule 13 of the Rules of 1958. The order neither reflects the fact of pendency of an inquiry nor of contemplation of an inquiry. But then, Note 4 appended to the said order reads as under:

"4. शासन संयुक्त सचिव, चिकित्सा एवं स्वास्थ्य (ग्रुप-2) विभाग को डॉ० मनीषा के निलम्बन आदेश की प्रति संलग्न प्रेषित कर लेख है कि उक्त निलम्बन आदेश डॉ० मनीषा को तामील करवाकर तामील रसीद शीघ्र इस विभाग को भिजवाये जाने की व्यवस्था करावें। साथ ही कार्मिक विभाग के परिपत्र दिनांक 23.05.2022 तथा दिनांक 19.05.2016 के अनुसार डॉ० मनीषा के विरुद्ध अनुशासनात्मक कार्यवाही के प्रारूप आरोप पत्रादि शीघ्र इस विभाग को प्रेषित करवाने की व्यवस्था करावें।"

14. A perusal of the above Note reflects that the Authority, while passing the order of suspension, directed the competent Authority to prepare the memorandum of charges qua the respondent employee in terms of the circulars governing the issue and forward the same to the Authority.

15. The term 'contemplation of inquiry' although not defined in any statute but it means application of mind by the Authority concerned to the effect that he has applied his mind and reached to an objective conclusion that a disciplinary proceeding is warranted in the matter. The phrase 'contemplation of inquiry' refers to a situation where the Authority concerned is of the opinion that an inquiry is warranted and further steps are to be taken to ensure the same. In the present matter, such application of mind and intent of the Authority can definitely be concluded



from the above Note as appended to the order of suspension. Vide the said order, the competent Authority has specifically been directed to prepare and furnish the memorandum of charges so as to initiate the disciplinary proceedings. The same is a clear expression of opinion of the Authority concerned. The omission of the phrase 'contemplation of inquiry' in the order of suspension can hence, in the opinion of this Court, be termed to be a mere irregularity. Where the intent is clear, omission of the specific terms cannot be read to the effect so as to render the order itself illegal.

16. In ***Sunita Chandrakant Kalekar Vs. The Zilla Parishad, Kolhapur and Others; 2017 (1) Mh.L.J. 629***, the Bombay High Court while dealing with a similar issue wherein the order of suspension was challenged on the ground that it did not record the fact of contemplation of disciplinary proceedings and was hence unsustainable, the Court while dismissing the writ petition observed as under:

*"10. In view of the reasons as mentioned in the suspension order, the contention of the Petitioner that the inquiry was not in contemplation, cannot be accepted. **Merely because in the impugned order of suspension it is not mentioned that inquiry is in contemplation will not vitiate the impugned order, as the order of suspension is to be seen as a whole in the totality of the background facts.** On reading of the order, as described above, it can be easily gathered that when the Petitioner was ordered to be suspended the disciplinary proceeding against her was in contemplation."*



17. Further, the Delhi High Court reiterated the settled position of law in a recent judgment of **Balbir Singh Khandelwal Vs. Jawaharlal Nehru University & Others; 2023 SCC OnLine Del 7413** to the effect that the scope of judicial review against an order of suspension is limited and such an order is not liable to be set aside unless the decision suffers from procedural impropriety, or is *ex facie* illegal. The Court observed as under:

"33. It is to be noted that the act of suspension must be distinguished as per the facts and circumstance of each case. In context to the matter at hand, the petitioner is placed under suspension and the disciplinary proceeding against him is contemplated. The word 'contemplation' as used in the above said rule implies that the concerned authority has given thought and consideration to the allegations brought against the petitioner and the suspension in contemplation of enquiry is done after the authority finds it appropriate that a prima facie case of misconduct exists against such an employee, which calls for enquiry.

*34. Keeping the above in mind, this Court is of the considerable view that **the scope of judicial review is limited in cases of suspension for the reason that passing of the suspension order is of an administrative nature and suspension is not a punishment.** The intent behind placing an employee under suspension is only to forbid the delinquent to work in the office and the same is in the exclusive domain of the employer. **It is pertinent to mention herein that the Courts cannot function as an***



authority sitting in appeal over the decision taken by the authority placing the employee under suspension.

35. Until and unless the decision of the authority is found to be logically incoherent, or it is concluded that the said administrative decision suffers from procedural impropriety, or it shocks the conscience of the Court in a manner that the decision is illegal on the face of it, the same cannot be set aside."

18. Keeping in view the above position of law, this Court is of the clear opinion that order dated 09.04.2025 cannot be termed to be in contravention to Rule 13 of the Rules of 1958 and hence, order impugned passed by the learned Tribunal does deserve interference by this Court to the said effect.

19. So far as the non-service of the charge-sheet within a period of three months from the order of suspension is concerned, it is not a mandate that a charge-sheet is to be served within a period of three months. The said position is directive in nature. Herein, it is an admitted position that the charge-sheet was ultimately served in the month of January 2026. In that event, it cannot be observed that the order of suspension turned out to be bad for non-service of the charge-sheet within a period of three months.

20. In view of the above overall analysis, order impugned dated 19.08.2025 passed by the learned Tribunal is hereby quashed and set aside. The writ petition hence, stands **allowed**. As a consequence, Order dated 09.04.2025 shall stand revived.

21. However, the respondent employee shall be at liberty to move an appropriate application for revocation of her suspension



on the count of prolonged suspension, in terms of the Circulars governing the position, and the State Authorities shall be under an obligation to consider and decide the same in accordance with law.

22. Stay petition and pending application(s), if any, stand **disposed of.**

(REKHA BORANA),J

109/ARVIND

