

(2009) 10 RAJ CK 0030

Rajasthan High Court

Case No: None

Heman Das

APPELLANT

Vs

State of Raj. and
Others

RESPONDENT

Date of Decision: Oct. 12, 2009

Acts Referred:

- Rajasthan Municipalities Act, 1959 - Section 310

Citation: (2010) 1 WLN 202

Hon'ble Judges: P.C. Tatia, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Prakash Tatia, J.

The petitioner has challenged the suspension order dated 25.6.2009 on the ground that the order is wholly without jurisdiction as the District Collector is not the appointing authority of any employee in any Municipal Board, as per the Rajasthan Municipalities Act as well as the Rules framed there under.

2. Respondent No. 2-Municipal Board has filed reply and clearly stated that u/s 310 of the Act of 1959, the members of the ministerial staff can be appointed by the Council or the Board, as the case may be and power of suspension can be exercised by the appointing authority and in this case, the Collector is not the appointing authority.

3. Since the members of the staff can be appointed by the Board u/s 310 of the Act of 1959 and the District Collector of the area wherein the Municipal Board, Council or Corporation is situated, is not the appointing authority of the employees of the Municipal Board and, therefore, has no jurisdiction to suspend the employee of the Municipal Board, Council or Corporation.

4. In view of the above, this writ petition is allowed and the order dated 25.6.2009, which was stayed by this Court's order dated 03.07.2009, is quashed and set aside.