

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
BEFORE  
HON'BLE SHRI JUSTICE VIVEK JAIN  
WRIT PETITION NO.20531 OF 2025  
RAJESH RAIKWAR**

*Versus*

**STATE OF M.P. AND OTHERS**

.....  
**Appearance :**

*Shri Anil Lala – Advocate for the petitioner.*

*Shri Prashant Singh – Advocate General with Shri Kapil Duggal – Advocate for the respondent/State.*

.....

***Reserved on : 14.07.2025***

***Pronounced on : 29..07.2025***

**ORDER**

By the present petition filed under Article 226 of the Constitution of India, the petitioner is calling in question the order of suspension Annexure-P/1 mentioning therein that the petitioner has misbehaved and used unparliamentary language against a lady member of Legislative Assembly (who is not being named in the present order) so also against the In-charge Minister of the District and Minister of Cooperatives.

2. It is contended that using/uttering such words against the respective people's representative is alleged to be a misconduct in terms of Clause 47 of Service Regulations of the Bank and, therefore, the petitioner has been placed under suspension and his Head Quarters has been fixed at Principal Office of the Bank at Bhopal. The petitioner was posted as Chief Executive

Officer of District Central Cooperative Bank, Sidhi, at the time of suspension.

3. The learned counsel for the petitioner has vehemently argued that the suspension of the petitioner is actuated by ulterior motive and only to satisfy the alter ego of MLAs of the district and nothing else. It is contended that the petitioner was the Chief Executive Officer of the Central Cooperative Bank of District Sidhi and as per the service rules of the Bank, he was competent and having full authority to transfer any of the employees of the bank. In continuation of which, the petitioner has transferred one Ashok Sharma, Clerk, from Gandhi Gram Branch to Sidhi Branch of the Bank.

4. The lady MLA on the same day i.e. 26.05.2025 had called up the petitioner on phone immediately after the transfer order was issued by the petitioner and scolded him saying that why he has transferred a Branch Manager within her assembly area and when the petitioner told the reasons behind such transfer, then she scolded him saying that why she was not taken in confidence before transferring an employee from her assembly area and the petitioner very decently informed the said MLA that the said person namely Ashok Sharma has been transferred by exercising power within his jurisdiction, but the MLA insisted upon the petitioner and pressurized him to cancel the said transfer order. However, still the petitioner was placed under suspension for allegedly using unparliamentary language against the said MLA so also the In-charge Minister of the District and the Cooperative Minister of the State.

5. It is, therefore, contended that the impugned suspension order is actuated by malice in law and passed only to satisfy the ego of local

MLA of the district and nothing else and therefore, the impugned suspension order is nothing but an abuse of powers by the appointing authority which has to be declared illegal and arbitrary.

6. *Per contra*, the learned Advocate General appearing for the respondent/State has raised a preliminary objection that the petitioner has an alternative remedy to approach the Registrar under Section 55(2) of the M.P. Cooperative Societies Act, 1960 ('Act of 1960' for short) and the concerned Registrar for the respondent/Bank would be the Joint Registrar of Cooperative Societies. In alternative, the petitioner can also approach the M.P. State Cooperative Tribunal (the 'Tribunal' for brevity) which is having a general supervisory power under Section 77(14) of the Act of 1960, which provides as under.

*"77(14) The Tribunal may sue motto or on the application of a party, call for and examine the record of any proceedings in which no appeal lies to it, for the purpose of satisfying itself as to the legality or propriety of any decision or order passed. If in any case, it appears to the Tribunal that any such decision or order should be modified, annulled or reversed, the Tribunal may pass such order thereon as in may deem just."*

7. It is contended that the power of the Tribunal under Section 77(14) of the Act of 1960, can be exercised either *suo motu* or on an application of a party and the Tribunal can call for and examine the record of any proceedings. Even the petitioner submits that there is involvement of MLA and also the involvement of Cooperative Minister in active or passive manner, then the petitioner can always approach the Tribunal which comprises of officers of Cooperative Department but also comprises of its Chairman being a retired High Court Judge or a

retired Judicial Officer and there can be no presumption of bias of the Tribunal.

**8.** On merits, it is vehemently contended by the learned Advocate General that the order is not passed under pressure of MLA but has been passed in the course of exercise of routine administrative functions by the concerned Disciplinary Authority and that there is nothing illegal or arbitrary or excessive exercise of powers in the present matter. It is however, argued that the petitioner being an officer of the Bank was bound to maintain descent language and decency in his work but by using indecent language to a lady MLA, the petitioner has committed an act which is defined as misconduct under Clauses-47.1.8 and 47.1.20 of the service regulations as applicable to the Bank.

**9.** It is contended that it is settled in law that the people's representatives of the concerned area can always bring to the attention of the competent authority under their area of constituency regarding the need to transfer or not to transfer any of the employees within their constituency because they are the people who represent the Will of public and if any good or bad activities are going on within their constituency, then they are always within their competence to bring the said fact to the notice of the concerned authority.

**10.** Merely by bringing a fact to the notice of the petitioner, the MLA was doing actions as permissible under the law and within her competence and authority as people's representative within her constituency and, therefore, it could not be said to be an act of pressurizing the petitioner and did not give any just cause to the petitioner to misbehave with the said MLA.

**11.** Heard.

**12.** This Court before proceeding further to decide the case on merits, first requires to deal with the preliminary objection on the issue of availability of alternative remedy to the petitioner.

**13.** As per the allegations of the case, suspension has been ordered on the basis of some misbehavior with the sitting MLA on telephone and the report of the said incident was made on the letterhead of the sitting MLA which was signed by as many as three MLAs of the district. On the note-sheet, the In-charge Minister of the District has forwarded the proposal to the Minister, Cooperative Department for taking action and the approval is given by the Cooperative Minister of the State.

**14.** It is no doubt true that alternative remedy lies under Section 55(2) of the Act of 1960. However, once in the present case, the suspension has been demanded by three MLAs and proposal forwarded by the In-charge Minister of the District to the Cooperative Minister of the State and on the note-sheet, the Cooperative Minister has forwarded the proposal of suspension of the petitioner to the Additional Chief Secretary and then the said proposal has been forwarded to the Managing Director of the Bank which functions under the Cooperative Department of the State, it cannot be said that the Joint Registrar by exercising powers under Section 55(2) would not be influenced by the fact that the decision to suspend the petitioner has been taken by none else than the Cooperative Minister of the State. Therefore, the remedy under Section 55(2) of Act of 1960 to approach the Joint Registrar, cannot termed as efficacious remedy. In fact, there is no real remedy at all.

**15.** So far as the remedy available before the Tribunal under Section 77(14) of the Act of 1960 is concerned, it was argued that the Tribunal is presently headed by a retired District Judge and he cannot be deemed to be a person who can act under pressure of the Cooperative Minister or would be swayed by the fact that the suspension has been approved on the note-sheet by the Cooperative Minister of the State.

**16.** It is no doubt true that there are three members in the Tribunal, out of which, one should be the Chairman and two others as members. The Chairman is at present a retired Judicial Officer and the other two members, one has to be a serving officer of the Cooperative Department and the other a person having practical experience in the cooperative movement. The constitution of the Tribunal is laid down under Section 77 of Act of 1960.

**17.** As per Section 77 (9), the Tribunal has to function by Benches. Benches are defined under Section 77 (10) and two or more members. Only interlocutory applications may be disposed of by single members as per proviso to section 77 (9). The relevant Section 77 (9) and (10) are as under :-

*(9) The powers and functions of the Tribunal may be exercised and discharged by Benches constituted by the Chairman from amongst the members of the Tribunal including himself:*

*Provided that, any interlocutory application may be heard by one or more members who may be present.*

*(10) Such Benches shall consist of two or more members.*

**18.** Therefore, for final disposal of a case, the Bench has to comprise at least two members. Even the Chairman and members of the Tribunal shall hold office for a period of not less than two years to five years as

specified by the State Government and further as per Section 77(5)(b) of Act of 1960, the Chairman and Members are eligible for re-appointment. The relevant provision is as under :-

*(5) (a) The Chairman and other members of the Tribunal shall hold office ordinarily for a period of not less than two years and not more than five years as the State Government may, by notification, specify in this behalf.*

*(b) A person who has held office as the Chairman or a member, for a period mentioned in clause (a) shall be eligible for reappointment.*

*(c) The Chairman or a member of the Tribunal may, at any time, resign his office.*

*(d) The Chairman or a member of the Tribunal may with the permission of the State Government, held nay other office, appointment or employment not inconsistent with his position on the Tribunal*

Therefore, it is clear that the Chairman and members, though are appointed for a fixed term but they can always be reappointed by the State Government for fresh term. Once the State Government is retaining itself the power to re-appoint the Chairman and members, it cannot be said that the Chairman and members can freely pass orders against the wishes of the Departmental Minister.

Further, one of the members is a serving officer of the State Government serving in the Cooperative Department, and there cannot be any presumption of impartiality of official member, once the issue involves personal involvement of the Departmental Minister.

It cannot be said that out of the remaining one member and the Chairman, who are always dependent upon the pleasure of the Government for their reappointment, they can be presumed to act in

such an independent manner that they would set aside the order approved by the Cooperative Minister himself in which three MLAs of the State are personally involved.

19. The retired Judicial Officer who is Chairman may not be competing to be re-appointed as he may reach the maximum age limit, but then the fact crops up that the Bench has to consist of at least two persons and the other person would either be a serving officer of the Department or a contender in line to seek reappointment as member of the Tribunal. Therefore, though this Court does cast aspersion on the impartiality or independence of the Tribunal as such, but it is settled in law that justice should not only be done, but should also seem to have been done. It is settled in law that not only bias, but also likelihood of bias incapacitates an authority. The Hon'ble Supreme Court in the case of ***Ashok Kumar Yadav v. State of Haryana reported in 1985 (4) SCC 417*** has held as under :-

*“16. We agree with the petitioners that it is one of the fundamental principles of our jurisprudence that no man can be a judge in his own cause and that if there is a reasonable likelihood of bias it is “in accordance with natural justice and common sense that the justice likely to be so biased should be incapacitated from sitting”. The question is not whether the judge is actually biased or in fact decides partially, but whether there is a real livelihood of bias. What is objectionable in such a case is not that the decision is actually tainted with bias but that the circumstances are such as to create a reasonable apprehension in the mind of others that there is a likelihood of bias affecting the decision. The basic principle underlying this rule is that justice must not only be done but must also appear to be done and this rule has received wide recognition in several decisions of this*



*Court. It is also important to note that this rule is not confined to cases where judicial power stricto sensu is exercised. It is appropriately extended to all cases where an independent mind has to be applied to arrive at a fair and just decision between the rival claims of parties. Justice is not the function of the courts alone; it is also the duty of all those who are expected to decide fairly between contending parties. The strict standards applied to authorities exercising judicial power are being increasingly applied to administrative bodies, for it is vital to the maintenance of the rule of law in a Welfare State where the jurisdiction of administrative bodies is increasing at a rapid pace that the instrumentalities of the State should discharge their functions in a fair and just manner. This was the basis on which the applicability of this 7 rule was extended to the decision-making process of a selection committee constituted for selecting officers to the Indian Forest Service in A.K. Kraipak v. Union of India [(1969) 2 SCC 262 : AIR 1970 SC 150 : (1970) 1 SCR 457] . What happened in this case was that one Naqishbund, the acting Chief Conservator of Forests, Jammu and Kashmir was a member of the Selection Board which had been set up to select officers to the Indian Forest Service from those serving in the Forest Department of Jammu and Kashmir. Naqishbund who was a member of the Selection Board was also one of the candidates for selection to the Indian Forest Service. He did not sit on the Selection Board at the time when his name was considered for selection but he did sit on the Selection Board and participated in the deliberations when the names of his rival officers were considered for selection and took part in the deliberations of the Selection Board while preparing the list of the selected candidates in order of preference. This Court held that the presence of Naqishbund vitiated the selection on the ground that there was reasonable likelihood of bias affecting the process of selection. Hegde, J. speaking on behalf of the Court countered the argument that Naqishbund did not take part in the deliberations of the Selection Board when his name*

was considered, by saying : (SCC p. 270, para 15)

*“But then the very fact that he was a member of the Selection Board must have had its own impact on the decision of the Selection Board. Further admittedly he participated in the deliberations of the Selection Board when the claims of his rivals ... was considered. He was also party to the preparation of the list of selected candidates in order of preference. At every stage of his participation in the deliberations of the Selection Board there was a conflict between his interest and duty.... The 8 real question is not whether he was biased. It is difficult to prove the state of mind of a person. Therefore what we have to see is whether there is reasonable ground for believing that he was likely to have been biased.... There must be a reasonable likelihood of bias. In deciding the question of bias we have to take into consideration human probabilities and ordinary course of human conduct.”*

*This Court emphasised that it was not necessary to establish bias but it was sufficient to invalidate the selection process if it could be shown that there was reasonable likelihood of bias. The likelihood of bias may arise on account of proprietary interest or on account of personal reasons, such as, hostility to one party or personal friendship or family relationship with the other. Where reasonable likelihood of bias is alleged on the ground of relationship, the question would always be as to how close is the degree of relationship or in other words, is the nearness of relationship so great as to give rise to reasonable apprehension of bias on the part of the authority making the selection.”*

**20.** In the aforesaid background, and the provisions of appointment and reappointment of members and Chairman of the Tribunal, it cannot be said that doubts in the mind of the petitioner regarding independence of the Tribunal more so, looking to the facts of the case and the circumstances under which the petitioner has been suspended, are unfounded. The apprehension in the mind of the petitioner cannot be

said to be unfounded and therefore, to uphold the principal that justice should not only be done, but should also appear to be done, this Court holds that in the peculiar facts of this case, the remedy before the Tribunal is not an efficacious remedy and, therefore, proceeds to entertain this petition on merits.

**21.** On the merits of the case, the suspension order has been defended on the ground that as per Clause 47.1.8 and 47.1.20, the act of the petitioner amounts to misconduct, because as per Clause 47.1.8 of the regulations of the respondent – bank, any act within the official premises or the residential premises of the bank any riots, obscene or indecent behavior, which may even be outside the said premises, which amounts to tarnishing the image of the bank is a misconduct. As per 47.1.20 any act during the course of duties by the employees or officers, which is adverse to the interest of the bank or from which act there is apprehension of loss to the bank, is also misconduct.

**22.** In the aforesaid background, firstly the conduct of the petitioner has to be seen. It is made clear that this Court is only discussing the merits of allegations against the petitioner in a *prima facie* manner, because this Court is conscious of the position that the petitioner has already been issued a show cause notice that why a charge sheet may not be issued to him and disciplinary proceedings are in contemplation and therefore, the merits which are being discussed hereinbelow would be deemed to only be for the purpose of judging the feasibility and justifiability of suspension and would not be read as such in the disciplinary proceedings in favour or against either of the parties.

**23.** From a perusal of document at page 60 of the petition, it is a letter

jointly signed by three MLAs of Sidhi District dated 05.06.2025 and addressed to In-charge Minister of district mentioning that the petitioner is posted as Chief Executive Officer of District Central Co-operative Bank, Sidhi and his working and conversations are indecent. In telephonic conversation, he has misbehaved with the MLA as well as two other MLAs, who are the joint signatories of this letter. When petitioner was allegedly asked to talk to the Incharge Minister of the District, then he abused indecent language for the Incharge Minister also. The three MLAs in a joint letter stated that the indecent behavior of the petitioner is unfortunate and unacceptable and therefore, he should be immediately removed from his post. The said letter is as under:-

"प्रति,

श्री दिलीप जायसवाल जी,  
माननीय प्रभारी मंत्री जी,  
जिला-सीधी।

विषय :- श्री राजेश रैकवार, मुख्य कार्यपालन अधिकारी जिला सहकारी केन्द्रीय बैंक मर्यादित सीधी पर दण्डात्मक कार्यवाही करते हुये सीधी जिले से हटाये जाने के संबंध में।

महोदय,

विषयांकित लेख है कि, राजेश रैकवार, जिला सहकारी केन्द्रीय बैंक मर्यादित सीधी में मुख्य कार्यपालन अधिकारी के पद पर पदस्थ है। इनकी कार्यशैली एवं वार्तालाप अभद्रतापूर्ण है फोन के माध्यम से बातचीत के दौरान इन्होंने मेरे साथ-साथ माननीय विधायक सिंहावल श्री विश्वामित्र पाठक एवं माननीय विधायक धौहनी श्री कुंवर सिंह

टेकाम से बहुत अभद्रता से बात की एवं राजेश रैकवार से जब यह कहा गया कि आप माननीय प्रभारी मंत्री महोदय श्री दिलीप जायसवाल जी से संवाद करें तब उन्होंने आपके लिये भी अपमानजनक भाषा का प्रयोग किया। राजेश रैकवार का ऐसा अमर्यादित व्यवहार बहुत दुर्भाग्यपूर्ण और अस्वीकार्य है।

अतः आपसे निवेदन है कि राजेश रैकवार, मुख्य कार्यपालन अधिकारी जिला सहकारी केन्द्रीय बैंक मर्याद सीधी को उनके पद से हटाते हुये उनके विरुद्ध दण्डात्मक कार्यवाही करने की कृपा करें।

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24. On the said letter dated 05.06.2025, a note sheet was initiated on the same date by Incharge Minister of the District, who is not Cooperative Minister of the State. The Incharge Minister of the State in the note sheet has written that the three MLAs of Sidhi District had come to meet him on 05.06.2025 and they were talking to the petitioner on telephone in a very polite manner, but the officer talking from the other side on telephone was talking to the lady MLA in indecent language and the MLA was repeated asking the officer not to talk in indecent language and then the concerned officer said that he is an officer of Cooperative Bank and the rules of the State Government are not applicable to him and who are the persons talking to him, he does not know. When he asked that whether he knows the Departmental Minister Mr. XYZ, then the concerned Officer said that they should get his conversation with Mr. XYZ. The proposal on the note sheet mentioning the words uttered by the petitioner are as under:-

"मैं सहकारी बैंक का अधिकारी हूँ मुझ पर शासन के नियम लागू नहीं होते हैं, आप मुझसे चर्चा करने वाले कौन लोग हो मैं आपको नहीं जानता। माननीय विधायक जी द्वारा कहा गया कि आपके विभागीय मंत्री

माननीय विश्वास सारंग जी को जानते हो तब संबंधित अधिकारी द्वारा कहा गया कि मेरी विश्वास सारंग से बात करवाओ।"

25. The said note sheet was moved to the Cooperative Minister, who signed the note sheet and forwarded to the Additional Chief Secretary of Cooperative Department. The Additional Chief Secretary, then wrote the note "for immediate action" and forwarded it to the Managing Director of Bank, which functions under Cooperative Department. Therefore, this note sheet leaves nothing to doubt that the suspension has been ordered at the asking and at behest of three MLAs, who first prevailed upon the Incharge Minister of the District, who then forwarded the proposal to the Cooperative Minister and then the matter was brought to notice of the Managing Director of the Bank, who suspended the petitioner.

26. The note sheet as quoted above does not mention that what is the indecent language used by the petitioner, because the language which is quoted in the note sheet does not amount to any indecency. The petitioner was working as Chief Executive Officer of the District Cooperative Central Bank and the employees are governed by service regulations. He transferred an officer within the district, within his jurisdiction and within his authority. The only words, which are said to be objectionable and used by the petitioner are as under:-

"मैं सहकारी बैंक का अधिकारी हूँ मुझ पर शासन के नियम लागू नहीं होते हैं, आप मुझसे चर्चा करने वाले कौन लोग हो मैं आपको नहीं जानता। माननीय विधायक जी द्वारा कहा गया कि आपके विभागीय मंत्री माननीय विश्वास सारंग जी को जानते हो तब संबंधित अधिकारी द्वारा कहा गया कि मेरी विश्वास सारंग से बात करवाओ।"

27. Learned Advocate General when confronted with the note sheet

had contended that the lady MLA had only asked the petitioner to talk to the Cooperative Minister. The State is having a number of District Cooperative Banks, which are almost 45 in number. It is difficult to comprehend that how an MLA could ask the district level CEO of the Bank to talk to Cooperative Minister of the State. If the petitioner had asked the said MLA that she should facilitate her conversation with the Cooperative Minister, there was nothing indecent in that.

**28.** The manner in which the letter dated 05.06.2025 and note sheet dated 05.06.2025 are written leave nothing to doubt that the MLAs of the district were prevailing the petitioner to transfer a petty employee holding the post of Clerk in the bank. Even the said petty employee had been transferred from one Branch to the Bank to another Branch. Only because his charge as Branch Manager was taken away and he might have approached the local MLA, he did not give authority to the local MLA to directly telephone the officer and pressuring him to cancel the transfer. The MLA in any of the letters and communications does not speak anything about the problems of the Bank or the employee who had been transferred, but only talks about her ego being hurt.

**29.** No doubt the Hon'ble Supreme Court in the case of *Mohd. Maqsood Ali vs. State of U.P. reported in 2007 8 SCC 170* has held that it is the duty of the representatives of the people to express the grievances of the people and if there is any complaint against the official of the State Government, then to recommend transfer of such an employee and there is no presumption that transfers at the instance of MP or MLA would be vitiated.

**30.** In the present case, it is not the situation that upon being

transferred the employee had submitted any representation to the MLA ventilating his grievances and the MLA had forwarded the representation to the petitioner. It is the case where the said person had approached the MLA and the MLA admittedly on telephone was pressuring the petitioner to cancel the transfer order. This case cannot be equated with the case of an MLA or MP recommending transfer order of an employee within his constituency citing grievances of the public from work and conduct of the said employee, or recommending cancellation citing his good work. This is not a case of an MP or MLA bringing to notice the public grievances within his constituency to the notice of an officer. It was the case where the public representative was projecting the cause of single employee holding the petty post of Clerk and was pressuring the Chief Executive Officer of the Bank to cancel the transfer order. It is not the case of espousing the cause of public as has been projected before this Court. Rather it is a case of espousing the cause of a Clerk of Bank and pressuring the CEO of the bank for cancelling transfer the transfer of Clerk and it appears that when the petitioner refused to buckle under the pressure of the Minister of the MLA that the MLA challenged the petitioner to talk to the Minister Incharge of the District and the Cooperative Minister. It indicates that undue pressure was being exerted in fact by the MLA and the MLA was not espousing the cause of public or constituency in general, but was projecting the cause of a particular person of the constituency. Even in none of the complaints or note-sheets, anything has been mentioned that why the transfer of that Clerk had to be cancelled in public interest. The MLA only complains about her ego being hurt and petitioner using



indecent language to her.

**31.** The petitioner being the Controlling Officer of the Bank, was well within jurisdiction to transfer the employee within the bank. In the complaint made to the Cooperative Minister and to the Incharge Minister of the District, nothing has been said that the MLA had approached the petitioner with public grievance of the constituency, but it is only mentioned that she had directly telephoned the CEO demanding cancellation of transfer of a particular employee and the CEO refused to accede to her demand.

**32.** Therefore, it does not appear to be a case of MLA bringing to notice of the petitioner, some general public grievance within his or her constituency. No doubt only on the basis that proposal is initiated by the public representative, the ultimate order cannot be quashed. However, in the present case it is duly indicated from the facts available on record that it was the case of undue pressure being exerted and not a case of general public grievance of the constituency being brought to the notice of the bank management. It is in fact a case of the MLA feeling ego hurt by refusal of the petitioner to accept her demand of cancellation of transfer of Clerk and this led to the entire unpleasant institution.

**33.** The Gauhati High Court, in an identical situation, has held that there is difference between the elected representatives bringing public grievances to notice of the authorities, as compared to an officer trying to use his political muscle to manipulate cancellation of his transfer. The Gauhati High Court in the case of *Tarun Chandra Kalita Vs. State of Assam (2016 SCC Online Gau 660)* has considered another judgement of the said High Court wherein it was held as under :-

*13. Public approaching the public representatives ventilating their grievance regarding posting of Government servants or for such other matters is one thing and serving Government servants approaching politicians or public representatives in connection with their service related issues is altogether another thing.*

*14. In the Assam Civil Services (Conduct) Rules, 1965, which deals with conduct of Government servants, a Government servant has been defined to mean any person appointed by the Government to any civil service or post in connection with the affairs of the State. Under rule 22 of the Assam Civil Services (Conduct) Rules, 1965, no Government servant shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government.*

*15. When one is in Government service he or she has to maintain and respect the Page No. 5 of 6 hierarchy of the service. The same cannot be bypassed or attempted to be broken by bringing in political or any outside influence. Approaching politicians and using their power and position to influence decision-making of the higher authorities will certainly amount to breach of conduct under the aforesaid Rules.*

**34.** The Apex Court in ***AIR 1952 SC 16 (Commissioner of Police Vs. Gordhandas Bhanji)*** held as under :-

*“17. It is clear to us from a perusal of these Rules that the only person vested with authority to grant or refuse a licence for the erection of a building to be used for purposes of public amusement is the Commissioner of Police. It is also clear that under Rule 250 he has been vested with the absolute discretion at any time to cancel or suspend any licence which has been granted under the Rules. But the power to do so is vested in him and not in the State Government and can only be exercised by him at his discretion. No other person or authority can do it.”*

**35.** Consequently, the order Annexure P-1 suspending the petitioner is held to be an order passed in exercise of excessive powers and actuated by bias and at behest of MLA and the MLA having over reached her jurisdiction to bring the just grievances of public to notice of the bank

authority, but it was a case of a Clerk using his political connections to bring about cancellation ordered by the CEO. Therefore, the impugned suspension order deserves to be and is hereby quashed. The petitioner will be reinstated forthwith with all benefits for the suspension period.

**36. Petition is allowed.**

**(VIVEK JAIN)**  
**JUDGE**

ac/-  
rj