



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 14th OF JANUARY, 2026

WRIT APPEAL No. 3654 of 2025

SANJAY SINGH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Arun Kumar Pandey - Advocate for the appellant.

Shri Anubhav Jain - Govt. Advocate for the respondents/State.

.....
WITH

WRIT APPEAL No. 61 of 2026

K.N. SINGH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Saurabh Sunder - Advocate for the appellant.

Shri Anubhav Jain - Govt. Advocate for the respondents/State.

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ORDER

Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice

Appellants impugn order dated 9th December, 2025 to the limited extent that the petitions filed by the appellants have been disposed of by granting liberty to the appellants to file an appeal before the competent authority. Appellants had impugned respective orders whereby they have been placed under suspension. The Writ Court while considering the



petitions filed by the appellants alongwith other subject writ petitions disposed of the same granting liberty to the appellants to file an appeal before the competent authority. It further directed that if such an appeal is filed, the same shall be decided on merits within 30 days and the interim stay order against suspension was directed to be continued for the said period of 30 days.

2. In the case of appellant Sanjay Singh (W.A. No.3654/2025), the relevant rule applicable is the M.P. Municipal Service (Executive) Rules, 1973 (*hereinafter referred to as "Rules of 1973"*). However, in the case of appellant K.N. Singh, the relevant rule applicable would be the M.P. Municipal Employees Recruitment and Conditions of Service Rules, 1968 (*hereinafter referred to as "Rules of 1968"*). The relevant provision of appeal in the Rules of 1968 is Rule 55 - Right of Appeal which reads as under:-

"Rule - 55. Right of appeal- No Municipal employee shall have a right of appeal if -

- (a) the order to be appealed against is an order to which subsection (4) of Section 94 of the Act applies and has been passed after obtaining the approval of the State Government; or*
- (b) his substantive pay is less than Rs. 20 per month; or*
- (c) he is holding a temporary appointment; or*
- (d) he is a probationer and has been given an opportunity to show-cause against his discharge and his reply duly considered as required by the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966.*
- (e) the order passed against him is*
 - (i) an order of censure;*
 - (ii) an order of suspension passed in order to enable an enquiry to be held;*
 - (iii) an order reverting him to his permanent post, if he is officiating in a higher post;*
 - (iv) an order terminating the employment in accordance with the terms of his contract."*

Rule 55 of the Rules of 1968 provides that no municipal employee shall have a right of appeal if *inter alia* the order passed against him is an



order of suspension passed in order to enable an enquiry to be held.

3. In the instant case, the appellant K.N. Singh (W.A. No.61/2026) has been suspended in contemplation of an inquiry. Accordingly, the said employee does not have a right of appeal and such an appeal is specifically excluded in terms of Rule 55 of the Rules of 1968.

4. The relevant rule in the Rules of 1973 is Rule 39 which reads as under:

*"39. Right of appeal.- (1) A member of the service shall be entitled to appeal against an order imposing on him any of the penalties specified in clauses (i) to (iii) of Rule 31 other than any order of censure within thirty days from the date of receipt of such order to the State Government when such an order is passed by the [Director or Divisional Commissioner].
(2) The State Government may, for sufficient reasons to be recorded in writing, admit any appeal after the expiry of the period specified in sub-rule (1)."*

5. Reading of Rule 39 of the Rules of 1973 shows that right of appeal has been provided against an order imposing penalties specified in clauses (i) to (iii) of Rule 31 other than an order of censure. The order of suspension challenged in the writ petition is not an order imposing penalty in terms of Rule 31(i)(ii)(iii) of the Rules of 1973. Clearly, there is no right of appeal provided under Rule 39 of the Rules of 1973 as well.

6. In view of the fact that neither the Rules of 1968 nor the Rules of 1973, which are applicable to different two sets of employees, provide for the remedy of an appeal against an order of suspension, the writ Court erred



in disposing of the writ petitions giving liberty to the appellants to approach the appellate authority. Consequently, the orders cannot be sustained and; accordingly are set aside insofar as it related to W.P. No.12467/2024 (*Sanjay Singh vs State of M.P. and others*) and W.P. No.12097/2024 (*K.N. Singh vs State of M.P. and others*). Both the writ petitions are restored to their original numbers. The Writ Court is requested to decide the same in accordance with law on merits. The interim order granted by the writ court on 20.05.2024 in W.P. No.12467/2024 (*Sanjay Singh*) and order dated 14.05.2025 in W.P. No.12097/2024 (*K.N. Singh*) shall continue to operate till the next date of hearing before the learned Single Judge and thereafter the same would be subject to any further order that may be passed in the said writ petitions.

7. List the writ petitions before the learned Single Judge on 03.02.2026.

8. Both the appeals are disposed of in the above terms.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE