

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5301 of 2012

- Krishna Kumar Thakur S/o Late Bahadur Singh Thakur Aged About 53 years, R/o Housing Board Colony, Jagdalpur, C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department of Home (Transport), Mantralaya, DKS Bhawan Raipur C.G.
2. Transport Commissioner, Office Of Transport Commissioner, New Bus Stand Campus, Pandari, Raipur C.G.
3. Regional Transport Officer, Bastar Division, Jagdalpur C.G.

---- Respondents

For Petitioner	Shri Pawan Kesharwani, Advocate
For Respondent/State	Shri S. Mazid Ali, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

21/07/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner is challenging the order passed by the Transport Commissioner on 07.01.2012 placing him under suspension under Rule 9 (2) of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966.

3. The reason for petitioner's suspension, as mentioned in the impugned order, is that he was detained by the Police for more than 48 hours in connection with Crime No.300/2011 for offences under Sections 406, 394, 414, 420, 467, 468 & 472 read with Section 34 IPC.
4. Although, the charge sheet has not been issued against the petitioner for holding any departmental enquiry against him yet, since the petitioner has not been suspended in contemplation of any departmental enquiry, the provisions contained in Rule 9 (2-a) of Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 would not be attracted, however, at the same time, it is to be seen that the petitioner is under suspension from January, 2012 i.e. for more than 3 and half years, therefore, the writ petition is disposed of with a direction that in the event, the petitioner prefers a representation before the respondent No.2 seeking reinstatement, the said authority shall consider the desirability of continuing with the suspension. On such representation being filed, the respondent No.2 shall consider and decide the same within further period of 3 months from the date of submission of representation.
5. It is made clear that this Court has not expressed any opinion on the merits of the case and the respondent authorities shall decide the matter, on its own merits, strictly in accordance with law, without treating any observation made in this order, as opinion on the merits of the case.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala