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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1742 of 2015**

- Gireswar Singh Porte S/o Shri Visheshwar Nath Singh, Aged About 46 years, R/o Banshipur, Police Station & Post Dhodhagaon, Tahsil Seetapur, Civil and Revenue District Surguja Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through: Secretary, Tribal Welfare Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur Chhattisgarh
2. Commissioner, Tribal Welfare, Chhattisgarh, Raipur, District Raipur Chhattisgarh
3. Collector, Surguja, Ambikapur, District Surguja Chhattisgarh
4. Assistant Commissioner, Tribal Welfare, Ambikapur, District Ambikapur Chhattisgarh
5. Chief Executive Officer, Zila Panchayat, Surguja, District Surguja Chhattisgarh
6. Chief Executive Officer, Janpad Panchayat, Seetapur, District Surguja Chhattisgarh

---- Respondents

For Petitioner	:	Shri Manoj Paranjpe, Advocate
For Respondent/State	:	Shri PK Bhaduri, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****07/05/2015**

1. Petitioner has assailed the legality and validity of the order of suspension passed against him by the Chief Executive Officer, Zila Panchayat, Surguja on 17-9-2009 on the ground that other persons allegedly involved in the same incident/misconduct have been reinstated and no charge-sheet has been issued against the petitioner constituting a regular enquiry against him under

the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966.

2. Shri Paranjpe, learned counsel for the petitioner would submit that the State Government has issued a circular on 2-7-2012 that in cases where charge-sheet has been filed in a criminal case, but trial is not concluded within a period of one year from the date of framing of charges, the matter concerning continuation of suspension be reviewed/reconsidered. He would submit that in the case in hand, charges were framed against the petitioner on 30-8-2013 and more than 1 & ½ years have elapsed, therefore, in view of the circular dated 2-7-2012, the respondents should review/reconsider the issue of continuation of petitioner's suspension. He would submit that for the present, the petitioner may be permitted to make representation seeking revocation of suspension and the competent authority may be directed to consider the same, in accordance with law.
3. Considering the limited nature of prayer made at this stage of proceedings, the writ petition is disposed of with a direction that in the event, the petitioner makes a fresh representation for revocation of suspension before the competent authority within a period of one month from today, the competent authority shall consider and decide the same by a reasoned order, in accordance with law, within a further period of two months.
4. 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.

JUDGE

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