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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2765 of 2015**

- Aaju Ram Patel S/o Abharam Patel, Aged About 29 years Occupation-Service (Suspended Secretary Of Gram Panchayat Dholbajja), R/o Khirsali, P.S. Bodla, Tahsil Bodla, Civil And Revenue District Kabirdham (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur District Raipur (Chhattisgarh)
2. Collector, Kabirdham, District Kabirdham (Chhattisgarh)
3. Chief Executive Officer, District Panchayat, Kawardha, District Kabirdham (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat, Bodla, District Kabirdham (Chhattisgarh)

---- Respondents

For Petitioner : Shri Sunil Sahu, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****04/08/2015**

1. Petitioner is aggrieved by the order passed by the Collector, Kabirdham, whereby the revision application preferred by him challenging the order of suspension passed by the Chief Executive Officer, Zila Panchayat, Kabirdham, has been rejected.
2. Indisputably, the petitioner was detained in police custody from 23.3.2012 to 13.4.2012 for which he has been suspended by the Chief Executive Officer,

Zila Panchayat, Kabirdham on 21.5.2013.

3. Janpad Panchayat, Bodla, subsequently, recommended for revocation of petitioner's suspension on the ground that in his absence the work of the Gram Panchayat is adversely affected.
4. The order of suspension having been passed by the Zila Panchayat, Kabirdham, the Janpad Panchayat has no authority or jurisdiction to recommend petitioner's reinstatement, which amounts to interference with the jurisdiction of the Zila Panchayat.
5. In the matter of **Union of India And Another Vs. Ashok Kumar Aggarwal**¹, the following has been held regarding scope of interference by writ Court in the matter concerning suspension:-

“**26.** The scope of interference by the Court with the order of suspension has been examined by the Court in a large number of cases, particularly in *State of M.P. v. Shardul Singh*, *P.V. Srinivasa Sastry v. Comptroller & Auditor General*, *ESI v. T. Abdul Razak*, *Kusheshwar Dubey v. Bharat Coking Coal Ltd.*, *Delhi Cloth & General Mills Ltd. v. Kushal Bhan*, *U.P. Rajya Krishi Utpadan Mandi Parishad v. Sanjiv Rajan*, *State of Rajasthan v. B.K. Meena*, *Prohibition and Excise Deptt. v. L. Srinivasan* and *Allahabad Bank v. Deepak Kumar Bhola*, wherein it has been observed that even if a criminal trial or enquiry takes a long time, it is *ordinarily* not open to the court to interfere in case of suspension as it is in the exclusive domain of the competent authority who can always review its order of suspension being an inherent power conferred upon them by the provisions of Article 21 of the General Clauses Act, 1897 and while exercising such a power, the authority can consider the case of an employee for revoking the suspension order, if satisfied that the criminal case pending would be concluded after an unusual delay *for no fault of the employee concerned*. Where the charges are baseless, mala fide or vindictive and are framed only to keep the delinquent employee out of job, a case for judicial review is made out. But in a case where no conclusion can be arrived at without examining the entire record in question and in order that the disciplinary proceedings may continue unhindered the court may not interfere. In case the court comes to

¹ (2013) 16 SCC 147

the conclusion that the authority is not proceeding expeditiously as it ought to have been and it results in prolongation of sufferings for the delinquent employee, the court may issue directions. The court may, in case the authority fails to furnish proper explanation for delay in conclusion of the enquiry, direct to complete the enquiry within a stipulated period. However, mere delay in conclusion of enquiry or trial cannot be a ground for quashing the suspension order, if the charges are grave in nature. But, whether the employee should or should not continue in his office during the period of enquiry is a matter to be assessed by the disciplinary authority concerned and ordinarily the court should not interfere with the orders of suspension unless they are passed in mala fide and without there being even a prima facie evidence on record connecting the employee with the misconduct in question.”

6. In view of the aforesaid, no case for entertaining this writ petition is made out. It is accordingly dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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