

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 205 of 2015

- Anand Potdar S/o S/o Late Sri Vinayak Rao Potdar Aged About 57 years Assistant Grade-2, R/o Qtr. No. - RH 13, PWD Colony, Korba, Distt. - Korba, (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, General Administration Department, Mahanadi Mantralaya, Naya Raipur, (C.G.)
2. Collector Korba, Distt.- Korba, (C.G.)
3. Tehsildar Tehsil- Kartala, Distt. - Korba, (C.G.)

---- Respondents

For Petitioner	: Shri Sanjay Patel, Advocate
For Respondent/State	: Shri Mazid Ali, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

14/07/2015

1. At the relevant time the petitioner was working as A.G.II/Reader Tahsildar, Korba. On 11/06/2012 he was arrested by Anti Corruption Bureau, Bilaspur for allegedly committing under Section 7,13(1)(d), 13(2) of the Prevention of Corruption Act, 1988 and was detained for more than 48 hours. This led to his suspension by the Collector, Korba by the impugned order Annexure P/1.
2. Petitioner would refer to the State Government circular dated 02/07/2012 wherein it is provided that if the criminal trial remains incomplete after lapse of one year period from the date of framing of charge the Competent Authority should review the desirability of continuing the order of suspension.
3. In view of the State Government circular dated 02/07/2012 the writ petition is disposed of with a direction that in the event the criminal trial against the petitioner has remained pending for more than a year after the date of framing of charge, the petitioner would be at liberty to

represent the matter before the Collector. On such representation being filed, the Collector, Korba shall review the matter and consider the desirability of continuing the order of suspension keeping in view of the State Government circular dated 02/07/2012.

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 representation, 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)