

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3039 of 2015**

- Upendra Kumar Mishra S/o Late Birendra Lal Mishra Aged 53 Years Occupation Assistant Grade I I I In Regional Transport Office Raipur Presently Posted At License Office City Center Pandari Raipur, R/o Kushalpur, P. S. Purani Basti, Raipur, District Raipur, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through Its Secretary, Department of Transport Indrawati Bhawan, Mantralaya, Naya Raipur, District Raipur, (Chhattisgarh)
2. The Transport Commissioner, Chhattisgarh State Transport Department, C Block- Third Flore Indrawati Bhawan, Mantralaya, Naya Raipur, District Raipur, (Chhattisgarh)
3. The Regional Transport Officer In Front Of Banjari Mata Mandir Ravanbhata, Raipur, District Raipur, (Chhattisgarh)
4. The Managing Director, Chhattisgarh State Infrastructure Development Corporation Sastri Chowk Raipur, District Raipur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Jitendra Nath Nande, Advocate
For Respondents-State	:	Shri PK Bhaduri, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****20/08/2015**

1. Petitioner has been placed under suspension by the order passed by the Transport Commissioner, Chhattisgarh under the signature of Additional Transport Commissioner on 09.01.2015.
2. It is stated by the petitioner that despite lapse of more than 7 months, charge-sheet has not been issued to the petitioner.

3. Be that as it may, the Supreme Court in the matter of **Union of India And Another Vs. Ashok Kumar Aggarwal**¹, has held that whether the ground for continuing with the suspension is to be continued or not shall be considered by the employer and not by the Court, therefore, if the petitioner makes afresh representation before respondent No.2 within a period of 15 days from today, the said authority shall consider and decide the desirability of continuing the petitioner under suspension within a period of one month from the date of submission of representation. While deciding the representation, respondent No.2 may also examine whether non-issuance of charge-sheet, as claimed by the petitioner, entitles him to be reinstated in view of the Rule 9 (5) (a) of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966.

Sd/-
Judge
Prashant Kumar Mishra

ashu

¹ (2013) 16 SCC 147