

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5934 of 2014

- Rajendra Kumar Banjare S/o Sanat Ram Banjare, Aged About 32 years, Assistant Jail Superintendent (Under Suspension), R/o Laxmi Nivas Colony, Lodhi Para, Sarkanda, Bilaspur, P.S. Sarkanda, Tahsil and District Bilaspur, (Chhattisgarh)

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Home & Jail Department, Mahanadi Bhawan, Mantralaya, New Rajdhani, P.S. Rakhi, Tahsil & District Raipur, (Chhattisgarh)
2. The Director General, Jail & Correctional Services, Chhattisgarh, Beside Central Jail, Raipur, Jail Road, Raipur, Tahsil & District Raipur, (Chhattisgarh)
3. The District Jail Superintendent, Raigarh Jail, Jail Campus, Raigarh, P.S. Raigarh, Tahsil & District Raigarh, (Chhattisgarh)

---- Respondents

For Petitioner	: Shri S.C. Verma, Advocate
For Respondent/State	: Shri Mazid Ali, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

20/07/2015

1. Petitioner has preferred this writ petition seeking a direction to the respondents to reinstate him in the services by revoking the suspension order dated 06/10/2012.
2. At the relevant time the petitioner was posted as Assistant Jailer at Raigarh. The Anti Corruption Bureau, Chhattisgarh Raipur conducted a trap wherein the petitioner was found accepting bribe, therefore, a crime for offence under Section 7, 13 (1)(d) read with Section 13 (2) of Prevention of Corruption Act 1988 was registered against him on 11/09/2012. By order dated 06/10/2012 the petitioner has been suspended under Rule 9(1)(b) of the Chhattisgarh Civil Services (Classification, Control & Appeal) Rules, 1966.

3. Shri Verma, learned counsel for the petitioner would submit that the petitioner is under suspension for about three years, therefore, considering the State Government circular dated 02/07/2012, particularly paragraph 5 thereof, the petitioner deserves to be reinstated.
4. In the circular dated 02/07/2012 it is mentioned that if an employee is suspended on account of pendency of criminal case and the said criminal case remains undecided after lapse of more than a year from the date of framing of charge, the State Government should consider the desirability of continuing with the order of suspension.
5. In view of the State Government circular dated 02/07/2012, the writ petition is disposed of with a direction that on petitioner's submitting a representation before the competent authority within a period of two weeks, the said authority shall consider the desirability of continuing with the petitioner's suspension. The competent authority shall pass necessary orders within a period of six weeks from the date of receipt of representation.
6. 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)