

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 617 of 2016**

1. Jai Maa Sharda Mahila Swa Sahayta Samuh, Vicharpur Through Its President Smt. Sumitra Sahu, Age- 44 Years, Village Vicharpur, Post Fasterpur, P.S. Mungeli, Tahsil & Dist. Mungeli (Chhattisgarh)
2. Ramsharan Sahu S/o Puhupram Sahu, Aged About 49 Years R/o Village Vicharpur, Post Fasterpur, P.S. Mungeli, Tahsil & Dist. Mungeli (Chhattisgarh)

**---- Petitioners**

**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Co-Operative, Mahanadi Bhawan Mantralaya, Naya Raipur (Chhattisgarh)
2. Collector, Mungeli, Dist Mungeli (Chhattisgarh)
3. Sub Divisional Officer, Mungeli, Dist. Mungeli (Chhattisgarh)
4. Food Inspector, Ajay Kumar Yadav, Food Department, Mungeli, Dist Mungeli (Chhattisgarh)
5. District Manager, Chhattisgarh State Civil Supplies Corporation Limited, District Office Mungeli, Dist. Mungeli (Chhattisgarh)
6. Managing Director Chhattisgarh State Civil Supplies Corporation Limited, Raipur, Distt Raipur (Chhattisgarh)

**---- Respondents**

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Shri V.C.Ottalwar, counsel for the petitioner/s.  
Shri Satish Gupta, Govt. Advocate for the State.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**18/04/2016**

Heard on admission.

This petition is directed against order dated 10/10/2014 (Annexure P/1) by which the shop of the petitioner has been suspended on certain allegations of irregularities.

2. Learned counsel for the petitioner submits that the order of suspension was passed by the Sub-Divisional Officer arbitrarily, irrationally and without due consideration of material on record. He submits that according to the enquiry report, default was committed by the erstwhile allottee of the shop. This aspect was not taken into consideration while passing order of suspension. It was further submitted that later on, show cause notice was issued to the petitioner on 13/02/2015 to which, reply has also been filed and the matter has remained pending without any decision with the result that for almost 1½ years, the petitioner is not able to run the shop.

3. On the other hand, learned State counsel submits that the petition suffers from delay and laches in as much as the order of suspension issued way back on 10/10/2014 and relief has been sought at the stage, when reply of show cause notice is submitted by the petitioner. It is further submitted that the matter is under enquiry. Suspension is not final and subject to the final order which may be passed.

4. Order of suspension was passed on 10/10/2014 which has been challenged before this Court as late as on 24/02/2016. Learned counsel for the petitioner has sought to explain the delay by submitting that relevant documents were not available and as and when the documents were received, petition was filed.

5. Be that as it may, at this distance of time, I am not inclined to interfere with the order, particularly when the order of suspension is followed by show cause notice which has also been replied by the petitioner. At the stage of suspension, prima facie case is required to be seen. It cannot be disputed that at the time when inspection was made, the petitioner was in charge and prima facie, stock was found to be short when compared with the stock register. Explanation offered by the petitioner is subject matter of the enquiry. Therefore, I am not inclined to interfere with the order of suspension.

However, taking into consideration that the suspension order is continuing for the last 1½ years, respondent No.3 is directed to conclude the enquiry as early as possible, preferably within a period of 60 days from the date of receipt of copy of this order and pass final orders in the matter. Petition is accordingly disposed off.

**Sd/-**

**(Manindra Mohan Shrivastava)**  
**Judge**