

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (S) No. 1088 of 2016**

Raj Narayan Pandey, S/o Late Ram Jatan Pandey, aged about 58 years, working as Assistant Grade-2, (Suspended) O/o Assistant Commissioner, Tribal Development, Raipur (C.G.) and resident of Ring Road No.1, Sanjay Nagar, Raipur Civil & Revenue District Raipur (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Principal Secretary, Department of Scheduled Caste/Scheduled Tribes Development, Mantralaya Mahanadi Bhawan, Naya Raipur (C.G.)
2. Commissioner, Tribal Development, Chhattisgarh, Indrawati Bhawan, Naya Raipur (C.G.)
3. Collector, District Raipur (C.G.)
4. Assistant Commissioner, Tribal Development Department, Raipur (C.G.)
5. Junior Accounts Officer, O/o Assistant Commissioner, Tribal Development Department, Raipur (C.G.)

---- Respondents

For Petitioner: Mr. Sushil Dubey, Advocate.

For Respondents/State: Mr. D.R. Minj, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****12/04/2016**

Heard.

(1) Learned counsel appearing for the petitioner would submit that the petitioner is suffering suspension since 5.2.2013 and his application for revocation of suspension is pending consideration before the Tribal Commissioner, Tribal Welfare Department at Raipur and, therefore, the same may be directed to be decided

within the specific time frame.

(2) Prayer appears to be fair and reasonable.

(3) Be that as it may, the appellate authority is directed to consider and dispose of the petitioner's application for revocation of suspension expeditiously preferably within a period of 45 days in light of the decision rendered by the Supreme Court in the matter of **Ajay Kumar Choudhary Vs. Union of India through its Secretary and another**¹ in which their Lordships of the Supreme Court has held as under:-

“21. We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contracting any person, or handling records and documents till the stage of his having to prepare his defence.

(4) With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

1 (2015) 7 SCC 291