

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 856 of 2016**

Narendra Singh Rajput S/o Shri Ramji Singh Rajput, aged about 35 years, working as Teacher Panchayat, Govt. Middle School Khairbana Kala, Block Bodla, District Kabirdham (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Panchayat and Social Welfare Department, Mahanadi Bhawan, Mantralaya, P.S.Rakhi, Tahsil Aarang, Naya Raipur, District, Raipur (CG)
2. Director, Panchayat and Rural Development Department, Indrawati Bhawan, Mantralaya, Naya Raipur, District Raipur (CG)
3. Collector, Kabirdham, District Kabirdham (CG)
4. Chief Executive Officer, Zila Panchayat, Kabirdham (CG)
5. Block Education Officer, Bodla, District Kabirdham (CG)

---- Respondents

For Petitioner	:	Shri C. J. K. Rao, Advocate
For Respondents/State	:	Shri Deeraj Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21/03/2016**

The petitioner through the present writ petition seeks for a relief of revocation of the order of suspension dated 14.07.2015 and also for providing 75% subsistence allowance as the petitioner has been placed under suspension w.e.f. 14.07.2015.

2. Counsel for the petitioner submits that the petitioner was suspended vide order dated 14.07.2015 but the charge sheet according to Rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules has not been served to the petitioner within a period of 90 days. He further submits that there is no progress in the departmental enquiry and therefore the order of suspension should be revoked and the respondents may be directed to reinstate the petitioner in service and also pay the Petitioner 75% pf the Salary as subsistence allowance.

3. Counsel for the State submits that the allegation against the petitioner is serious which can only be decided after the evidence is recorded. He further submits that the charge sheet had been issued only few days after the 90 days had expired after passing of the suspension order on 14.07.2015 and therefore, there is no inordinate delay in serving the same to the petitioner.

4. From the record it is evident that the charge sheet has not been issued within 90 days from the date of order of suspension. So far as the continuity of the suspension order after a period of 90 days is concerned, the same is well settled by now by a series of judgments of the Supreme Court that the suspension of an employee can still be continued beyond 90 days even though charge sheet has been served after 90 days subject to the employer providing justifying reasons. In fact, the charge sheet has been issued to the petitioner just few days after 90 days i.e. on 26.12.2015 whereas 90 days comes to an end on 14.10.2015. Though the charge sheet has been issued subsequent to 90 days but the State has not given any reason for continuing the suspension order.

5. Thus, in the opinion of this Court ends of justice would be served if the petition is disposed of with a direction to the respondents State to consider the representation of the petitioner in the light of the provisions of Rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules according to which the charge sheet should be served within 90 days from the date of suspension order while deciding the representation of the Petitioner against suspension the authorities should also consider the fact as to whether there is any further necessity for keeping the petitioner under suspension or not.

6. Let the State take a decision by passing an order objectively

considering the Rule 9 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, as expeditiously as possible within a period of preferably three months.

Accordingly the present writ petition stands disposed of.

Sd/-
(P Sam Koshy)
Judge

Bhola