

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4191 of 2016**

Victor Minj S/o Shri Gabriel Minj, Age about 55 Years R/o Ward 38, Hamu Nagar,
Torva, Tehsil & District Bilaspur (C.G.)

---- **Petitioner****Versus**

1. State of Chhattisgarh through its Secretary, Department of Water Resource, Naya Raipur (C.G.)
2. Chief Engineer, Hasdev River Bank (Kachar), Water Resource Department, Bilaspur (C.G.)
3. Superintendent Engineer, Water Resource Division, Bilaspur District Bilaspur (C.G.)

---- **Respondents**

For Petitioner	:	Mr. Mahesh Kumar Mishra, Advocate
For Respondent-State	:	Mr. Dilman Rati Minj, Dy. Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****23/09/2016**

1. Heard.
2. The petitioner has challenged continuance of suspension order, which was passed on 26/09/2014 only on the ground of institution of criminal case and custody beyond a period of 48 hours.
3. According to the learned counsel for the petitioner, the criminal case has ended in acquittal vide order dated 08/12/2014 passed by the Chief Judicial Magistrate, Janjgir in Criminal Case No. 834/2014. Therefore, the suspension order could not be continued any further, particularly, when there is no departmental inquiry instituted against the petitioner.

4. On the last date of hearing, State counsel was granted time to seek instructions as to whether any departmental inquiry has been instituted against the petitioner by issuance of charge-sheet. Upon instructions, State counsel submits that though at present, no charge-sheet has been issued, departmental inquiry is in contemplation.

5. In view of above submission, once the criminal case come to an end, there is absolutely no justification for continuance of suspension of the petitioner anymore. The respondent authority is directed to pass appropriate order to immediately to reinstate the petitioner.

6. It is made clear that this order shall not come in the way of the competent authority for instituting departmental inquiry or passing any other order in the matter of departmental inquiry as may be permissible under the C.G. Civil Services (Classification, Control & Appeal) Rules, 1966.

7. With the aforesaid observation, the petition stands finally disposed off.

**Sd/-
(Manindra Mohan Shrivastava)
Judge**