

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4931 of 2016**

Anuj Kumar Bhargav S/o Shri Sevak Ram Bhargav, Aged About 32 Years Presently Working As Technical Co-Ordinator (Suspended) Attached In The Office Of Chief Executive Officer, Jila Panchayat Janjgir Champa (Chhattisgarh)

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

1. State Of Chhattisgarh Through Principal Secretary, Panchayat & Rural Development Department Mantralaya Mahanadi Bhawan, New Raipur (Chhattisgarh)
2. Dy Secretary, State Of Chhattisgarh, Through Panchayat & Rural Development Department Mantralaya Mahanadi Bhawan, New Raipur (Chhattisgarh)
3. Commissioner Cum Director, Panchayat & Rural Development Department, Indrawati Bhawan, Raipur (Chhattisgarh)
4. The Collector, Office Of The Collectorate, District Janjgir Champa (Chhattisgarh)
5. Chief Executive Officer, Jila Panchayat Janjgir Champa (Chhattisgarh)

---- **Respondents**

For Petitioner	:	Mr. Sushil Dubey, Advocate
For Respondent-State	:	Mr. S.P. Kale, Dy. Advocate General

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****21/09/2016**

Heard.

1. Learned counsel for the petitioner submits that continuance of suspension order is operating in serious prejudice inasmuch as the petitioner is not getting full salary for almost two years. He further submits that departmental inquiry is

completed and the inquiry report has already been submitted to the disciplinary authority but he has not passed any order till date. Learned counsel further submits that in the inquiry report, charges have not been found proved against the petitioner.

2. It is found that in the present case, petitioner was placed under suspension as back as 30/09/2014 on certain allegations of misconduct. The petitioner has remained suspended for a very long time. Therefore, in these circumstances, the respondents are obliged under the law to consider the revocation of the suspension in accordance with law and the directives issued by the Hon'ble Supreme Court in case of **Ajay Kumar Choudhary V. Union of India through its Secretary and another, (2015) 7 SCC 291**, wherein the Hon'ble Supreme Court has deprecated the practice of keeping the employee under suspension for unduly long period without due consideration of necessity to continue suspension in following words:-

“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 not served on the delinquent officer/employee; if 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 concerned person 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 contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognise that the previous Constitution

Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation, departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.”

3. In view of the above, I am not inclined to keep the matter pending but dispose off the same with direction to respondent No.2 to consider the case of the petitioner for revocation of suspension by applying the law laid down by the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary** (supra) including the submission that in the inquiry report, charges have not been found proved against the petitioner.

4. Let a decision be taken within a period of 30 days from the date of receipt of certified copy of this order and suitable orders in accordance with law be passed by respondent No.2.

5. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge