

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 927 OF 2016**

Vinayak Rao Gharde S/o Late Gautu Ji Gharde, Aged About 55 Years R/o Ward No. 18, Tulsipur Sadhuchal, District Rajnandgaon, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. Chief Executive Officer, Jila Panchayat Rajnandgaon, District Rajnandgaon, (Chhattisgarh)
3. Block Education Officer Mohla, Rajnandgaon, District Rajnandgaon, (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Ravi Kumar Bhagat, Advocate
For State	:	Mr. Arun Sao, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****30/03/2016**

1. Learned counsel for the petitioner would submit that order of suspension has been revoked on 28/07/2015 and he has been transferred to Middle School, Paradi, Block Mohla, District Rajnandgaon. He would further submit that petitioner's Head Quarter cannot be changed upon revocation of suspension.

2. In the matter of **Ajay Kumar Choudhary v. Union of India through its Secretary and another**¹ the Supreme Court

¹ (2015) 7 SCC 291

has categorically held that suspension could not be continued for unreasonably long time, if there is any need, the government servant can be transferred to any other place and observed in para-21 as follows:-

“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/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet 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 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 contacting any person, or handling records and documents till the stage of his having to prepare his defence.”

3. In view of above-stated pronouncement of the Supreme Court, I do not find any illegality in the impugned order. The writ petition is deserves to be and is accordingly dismissed.

Sd/-

(Sanjay K. Agrawal)
JUDGE