

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6510 of 2017**

Jaipal Singh Thakur S/o Shri Dashrath Singh Aged About 48 Years
Working As Assistant Grade III, At Janpad Panchayat Masturi R/o Masturi
P. S. And Tahsil Masturi District Bilaspur Chhattisgarh ---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Collector, Bilaspur, District Bilaspur Chhattisgarh
2. Chief Executive Officer, District Panchayat, Bilaspur District Bilaspur Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat, Masturi District Bilaspur Chhattisgarh ---- **Respondents**

For Petitioner	:	Mr. Santosh Kumar Sahu, Advocate.
For State	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****29/11/2017**

Heard.

1. The petitioner has remained under suspension since long as he was suspended vide order dated 09.08.2016 on certain irregularities and misconduct. A charge-sheet was also served to the petitioner thereafter on 27.09.2016 since then, the enquiry has remained pending.
2. Learned counsel for the petitioner submits that the General Administrative Committee of Panchayat passed resolution on 20.07.2017 recommending revocation of suspension and transfer of various employees including the petitioner also but the Chief Executive Officer did not take any decision in the matter and forwarded the matter to the Zila Panchayat. Since then, the matter has remained pending.
3. All authorities exercising disciplinary action are obliged under the law to examine necessity of continuing suspension order in the light of the law

laid down by the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary V. Union of India, (2015) 7 SCC 291**. Practice of long continuation of suspension has been strongly deprecated by this Court also in the case of **Ram Kumar Rajwade Vs. State of Chhattisgarh & others (WPS No.3005 of 2017 decided on 13.07.2017)** and **Bhola Ram Patel Vs. State of Chhattisgarh and others (WPS No.4067 of 2017 decided on 06.11.2017)**, both arising from the panchayat services.

4. In para 21 of the decision of *Ajay Kumar Choudhary (supra)*, the Hon'ble Supreme Court directed that where an employee has remained in suspension and a charge-sheet is served, the authorities are obliged under the law to consider whether the suspension should further continue or not. The decision is required to be taken by the Chief Executive Officer, Janpad Panchayat, Masturi because he happens to be the competent authority under the law and who had suspended the petitioner. It appears that the Chief Executive Officer Janpad Panchayat has avoided to take decision and forwarded the matter to Zila Panchayat, without there being any statutory requirement of law.
5. Therefore, in these circumstances, the respondent /Chief Executive Officer, Janpad Panchayat, Masturi is directed to examine further continuation of suspension of petitioner in the light of the judgment of the Hon'ble Supreme Court in the case of *Ajay Kumar Choudhary (supra)*. There should be very strong reason why an employee is to be continued under suspension for long period. The decision shall be taken by the Chief Executive Officer, Janpad Panchayat within a period of 30 days from the date of receipt of copy of this order. There is no need for him to await any guidelines from Zila Panchayat because he himself is the competent authority and law does not require that he should seek any approval or sanction from Zila Panchayat.
6. The petition is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E